a

K. Africa. — Company of Scotland, etc.

The Council-General of the Indian *and* African *Company's Petition to His Majeſty.*

May it pleaſe Your Majeſty,

WE Your Majeſty's moſt dutiful Subjects, the Council-General of the Company of *Scotland* Trading to *Africa* and the *Indies*, do do in all Humble Duty beg leave to lay before Your Majeſty the preſent Condition of our Affairs.

Your Majeſty from an earneſt deſire of the Flouriſhing of your Ancient Kingdom, having been graciouſly pleaſed by the 32 Act of the 4*th.* Seſſion, and by the 8*th.* Act of the 5*th.* Seſſion of this Current Parliament, and Your Majeſty's Letters Patent under the Great Seal of this Kingdom following thereupon, to Authorize *the Settling of Plantations and Colonies in* Aſia, Africa, *or* America, *by the Natives of this Kingdom, and ſuch Others as ſhould joyn with them*, as in the ſaid Acts of Parliament, and Letters Patent, is more particularly expreſs'd.

We and our Conſtituents, Your Majeſty's moſt Loyal Subjects did, upon the Faith and Encouragement of the ſaid Acts and Letters Patent, enter into a *Society*, Erect a *Company of Trade*, and with Great Charge, and after many Difficulties, ſettled a *Plantation* on the North-ſide of the *Iſthmus* of *Darien*, a Place preciſely in the Terms of the ſaid Acts of Parliament and Letters Patent.

And being Senſible, That as our Company had its Birth from Your Majeſty's moſt Gracious Favour, ſo it could not ſubſiſt but by your Royal Protection. We did therefore, in all humble Manner, Petition Your Majeſty's *High Commiſſioner* and the *Eſtates of Parliament*, Aſſembled the 19*th.* of *July* 1698.

Upon which, The *Eſtates of Parliament* did, with great Unanimity Addreſs Your Majeſty, *That you would in your Royal Wiſdom be pleaſed, to take ſuch Meaſures as might effectually Vindicat the undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and Intereſt thereof.*

That Seſſion of Parliament ending, before any Return could be had from Your Majeſty; Reports have been ſpread by the Enemies of our Settlement, as if our Company had not Your Majeſty's Protection: And as an Evidence thereof, That Proclamations have been Iſſued out in Your Majeſty's Name, by your Governours in all the *American* Plantations, not only to Deprive our ſaid Company and Colony of the friendly Aſſiſtance that might Reaſonably have been expected from our Neighbour-Nation; But alſo, *ſtrictly forbidding all Your Majeſty's Subjects, or Others within theſe Plantations, to enter into any Traffick or Commerce with the ſaid Colony, and that no Proviſions, Arms, Ammunition, or other Neceſſaries whatſoever, ſhould be Tranſported or Carried to them, either in their own Veſſels, or any other Ship or Veſſel for their Uſe, and that under the outmoſt Pains, Penalties, and Forfeitures*, mentioned in the ſaid Proclamations.

Which Proceedings we have but too much Reaſon to believe, have been of Fatal Conſequence to our Company and Colony, and conſequently to the Intereſt of all Your Majeſty's good Subjects in this Kingdom. And we being fully Perſwaded, that nothing could be ſo Conducible for the Support of our ſaid Company and Colony in our preſent Circumſtances, as ſome ſpecial Teſtimonies and Evidences of your Royal Protection.

We do therefore in all Humility and Earneſtneſs, beg of Your Majeſty's Father-ly Care of our ſaid Company in particular, and of the Nation in General, That Your Majeſty would be graciouſly pleaſed, to take off the Force and Effect of theſe Proclamations, which have been ſo Prejudicial to us, and to ſignify your Royal Pleaſure to the Governours of theſe your Plantations, that We may be ſup-plyed in the Common and Ordinary way of Commerce.

As alſo, That Your Majeſty may allow your Parliament to Meet at the Day appointed in *November* next, or as ſoon as poſſibly can be, that Your Majeſty may have the Advice and Aſſiſtance of the Great Council of this Nation, in ſuch a Weighty and General Concern, which we hope God will Bleſs with an Happy Iſſue to His Glory, the Honour of your Majeſty, the Credit of your Parliament, the Intereſt of the Nation, and the Good of our Company and Colony.

Sign'd at Edinburgh *the* 19th. *Day of* October 1699. *In Name, Preſence, and by Order of the ſaid* Council-General, by

May it pleaſe Your MAJESTY,

Your Majeſty's moſt Faithful, moſt Dutiful, moſt Humble, and moſt Obedient Subject and Servant

BELHAVEN *I. P. C. G.*

To which His Majeſty was pleas'd to give the following Anſwer.

WILLIAM R.

RIght Truſty and Well-beloved, we Greet you Well. Your Petition has been preſented to Us by Our Secretaries, and we do very much regret the loſs which that our Ancient Kingdom and the Company has lately ſuſtained: We will upon all Occaſions, Protect and Encourage the Trade of the Nation: And we will alſo take Care, that the Subjects of that our Kingdom, ſhall have the ſame freedom of Trade and Commerce with our *Engliſh* Plantations as ever they had formerly.

Our Current Parliament is Adjourn'd to the *5th.* Day of *March* next, and we will Order that the Parliament ſhall Meet when we judge that the Good of the Nation does require it. And ſo We bid you heartily Farewell. *Given at our Court at* Kenſingtoun *the* 2d. *day of* November 1699. *and of our Reign the* 11th. *Year.*

By His Majeſty's Command,
SEAFIELD.

To our Right Truſty and Well-beloved, the Council-General of the Company of our Ancient Kingdom of Scotland, *Trading to* Africa *and the* Indies.

THE CASE OF THE *WOOLLEN-DRAPERS.*

IT is Humbly Deſired by the *Woollen-Drapers* of the Cities of *London* and *Weſtminſter*, and within the Weekly Bill of Mortality, that if Your Lordſhips ſhall think fit to Paſs the *Clothier*'s Bill, with what Amendments Your Lordſhips think moſt Proper, whereby the *Merchant* and *Draper* may not be Diſcouraged in their Trades. Your Lordſhips will be Pleaſed to Inſert a Clauſe, that no Perſon or Perſons, ſhall Sell or Cut, any *Cloth* or *Bays* by Retale, but thoſe who have Served an Apprenticeſhip of *Seven* Years to the *Wollen-Drapers* Trade, upon the Penalty of —— for every Yard of *Cloth* or *Bays*, that ſhall be ſo Cut or Diſpoſed of by any ſuch Perſon; for want of which Clauſe, the Trade is ſo ſpoiled, that many Gentlemen who have put their Sons to it, before they have Served half their time, have met with ſuch Diſcouragements that they turn Ill Husbands, and ſo go Home to their Friends, or take worſe Courſes, which has been to the Ruin of many: And all other Cities and Corporations have the like Benefit as is here Humbly Deſired.

There are *Acts of Parliament* of long ſtanding to this Effect, but the Penalty is ſo ſmall, that it prevents puting them in force.

THE

CASE

OF THE

WOOLLEN-DRAPERS.

AU CRC
COUR

DE LeeN, Marchand Frip
hers de la Tonnellerie,
chandiſes vielles & neu
& Manteaux de Drap d'
teaux de Moire noire, doublez de
lot de Bruxelles & de Baracan de Fla
& de toute autre façon & couleur; Iuſt
tes de façons; Iuſtes-à-corps de Velc
auſſi toutes ſortes de Marchandiſes
Buffles, Eſcharpes, Houſſes enrichi
çons; Hoüates, Habits longs, Ca
Chambre Indiennes, & toutes autr
la mode & des mieux faites; & lc
le deüil, Habits de Mariages & a
d'autres couleurs.

A Copy of a Letter to the *Lord Major* of *York* Dated *Whitehall July* 29. 1696.

My Lord

THE Lords Commiſſioners of his Majeſties Treaſury, takeing Notice of a Scandalous Reflection as well upon their Lord-ſhip's; as upon *Alderman Thompſon* of the City of *York*; as if my Lords had directed Six Hundred Pounds to be paid to him, to be Deſtributed amongſt the Poor of *York* City; and that he had Converted, the greateſt part thereof to his own uſe; Their Lord-ſhips Command me to Acquaint you; as well in Vindication of themſelves as of the ſaid *Alderman Thompſon* againſt the ſaid aſperſion: That their Lord-ſhips Directed no ſuch Summe to be paid to him, nor know of any Summe whatſoever paid to him or any other for that purpoſe, and they deſire your Lord-ſhip to Communicate this matter in the City of *York*; for Satisfaction of all perſons, that may otherwiſe lye under Miſinformation therein: I am with all Reſpect.

My Lord
Your Lord-ſhips,
Moſt Obedient Servant
William Lowndes.

AT THE
Auction-houſe
FOR
PICTURES
In St. ALBAN's-STREET.

WILL be Expos'd to Sale on *Monday* the 5th. of *March*, at Two a Clock in the Afternoon; A Curious Collection of PICTURES, being part of thoſe which formerly belong'd to the Cardinal *Antonie Barbarin.* With an Addition of many Eminent PICTURES, Painted by the beſt Hands of the moſt Antient and Modern Maſters.

They will be Expos'd to View on the Firſt of *March*, and ſo continued for three Days; being *Thurſday*, *Friday* and *Saturday*.

AT THE
BOARDED-HOUSE
IN
MARYBONE-FIELDS,
This preſent *Wedneſday*, the firſt of this Inſtant *Auguſt*, 1722.
Will be Perform'd a
Tryal of Skill by the following Maſters.

WHereas I ROBERT WALDRON, Plumber, Maſter of the Noble Science of Defence, who lately Fought Mr. *Stokes*; but he not Standing up, but tumbling off the Stage, and dancing about as tho' he was afraid of the Sword; I do Invite Mr. *John Parkes*, who was his Second, to meet me and fight at the uſual Weapons fought on the Stage; to ſhow that I can and dare Fight thoſe that are the beſt Maſters.

I JOHN PARKES, from *Coventry*, Maſter of the ſaid Science, am ſorry to ſee ſo many Cowards and pretended Maſters preſume to come here, to Challenge thoſe who are real Maſters, who not only leſſen the Sword, but diſappoint thoſe Gentlemen who are Lovers of it; will not fail to meet him as above, knowing he is bold, and one that will give Satisfaction.

N. B. *The Boxes will be ſet at Three, and the Maſters mount at Six preciſely.*

Vivat Rex.

To Alderman Thompson.

A Copy of a Letter from *Brian Fairfax* Eſq; Dated, *London July* 23. 1696.

MY Lord *Godolphin* this day took notice in Councell of a Paſſage in one of the Newes Printed papers the laſt Tueſday *July*, 21ſt. Either the Poſt Boy or flying poſt or ſome of them? Wherein he publiſhed a Notorious Lye, Concerning an Alderman of *York*, that had Received Six hundred pounds to Diſtribute amongſt the Poor of that City, and keeps the five Hundred pounds to himſelf. By this (Says my Lord *Godolphin*) he ſeems to accuſe an honeſt worthy, Gentleman Alderman Thompſon Burges of *York*;! and if he had named him, the Authour of the Scandall, ought to have been proſecuted with the utmoſt Severity for it's a malitious falſehood, and no ground for it, for there never was any Sume paid to any man upon that Account. This gave my Lord Arch Biſhop of *Canterbury* occaſion, to Speak of the Services you have done the Goverment &c. And his Grace bid me acquaint you with this, with his affectionate Service to you.

Yours, *Br: Fairfax.*

To the Right Honourable the Knights, Citizens and Burgesses in Parliament Assembled.

The humble Proposal of Lewis Rawlins, *Whether the Restraining of Retailers of Beer and Ale within the Kingdome of* England *and Dominion of* Wales *from Brewing, may not only prove profitable to the Crown, but be expedient; upon due consideration of subsequent Reasons.*

I. BEcause it will supply his Majesties Exchequer in present with three hundred thousand pouuds of lawful money or thereabouts; without the least trouble to the King, or Kingdome, to which Sum the present Farmers of the Excise can make no claim.

II. It will advance his Majesties Annual Revenue in the Excise of Beer and Ale for the future, and that considerably.

III. It will save his Majestie near 30000 *per annum*, which hath hitherto been disbursed out of that part of his Revenues in contracting the number of Officers which attend that duty.

IV. It will obviate that general Fraud which is practised by these brewing Retailers, to the detriment of his Majestie some thousands yearly.

V. Hereby the common Brewer will receive encouragement from his encrease of Trade.

VI. No damage can hereby accrue to the Farmers of the Excise, for they still enjoy their contract: The consumption of Beer and Ale will not be lessened by reducing the Brewing only of such Exciseable Liquors to the common Brewer, whilst the Victuallers, Inholders and the like, retail as great quantities as formerly, which in short, is but for Country Retailers to conform to the Example of the City of *London*.

This Proposition may perhaps be excepted against by the Commissioners of the Excise, whose candor in the Kings business is hardly justified by the ensuing Narrative.

The Propounder *L.R.* Gager in the year 1573. did exhibit as many Informations in the Excise office against *W.C.* a common Brewer in *London*, as the forfeitures thereupon amounted to above 2000*l.* some of those were heard by the Commissioners, and *W.C.* the offender thereupon comdemned in the sum of 340*l.* or thereabouts.

The Prosecutor continued solliciting the Commissioners by Petitions, and otherwise during the space of six Moneths, to hear and determine the remaining Propositions, upon which, the said *W.C.* (if Justice had accordingly been done) must as inevitably have been pronounced guilty, as he was upon those which were tryed.

Whilest Justice was thus delayed. *W.C.* makes his Address to Sir *William Bucknall* and other Farmers of the Excise, and with the payment of 200*l.* or such like sum to them contracts to purchase his peace, and excuse his crime.

At this Contract *Robert Huntingdon* and *Richard Kingdon* Esquirs, two of the Commissioners connive, and from that day hitherto, the prosecutor could not by any means be admitted to make good the charge against the said *W.C.* a practise infinitely tending to the prejudice of the Kings interest, and contrary to the Act of Parliament in that case made and provided, which gives one moyety of the Fines to the Informer, whereof the Informer *L.R.* hath not as yet received one penny.

Hereupon the Prosecutor being in effect denyed Justice by the Commissioners, humbly acquaints his Majesty by Petition with his greivance, who gratiously referred the examination of the matter to the present Lord High Treasurer, of which so soon as the aforenamed Comissioners had notice, they and the Farmers without any other cause dismissed the said *L.R.* out of his office of Gager, of which injury the Propounder justly complains, and prays upon the whole matter Redress, as the wisedom of Parliament shall judge meet.

By His Majesties Permission.

THese are to give Notice to all Ladys, and others, That *Claudius Dupuys*, in *Long-Acre* at the Sign of the Kings Arms, over against the Kings *Bagnio*. He did last Summer show Paterns for a *Printer*; but now he Prints himself, being he found out by his Ingenuity Collour beyond all other *Printers*, and more lasting and better gloss, without any ill smell, as others doth it; He Prints all sorts of Flowers or Birds, and Imitates the *Indian Atlesses*, or other Silk to great perfection. He hath great Variety of the newest Paterns in *Gold* or *Silver*, mixt with such Collour as the Ladys fancy; and will wash and bare any water without Deminishing his Collour, or properly equal to those that are wrought with a Loome, Needle, or by other arts or means, and all together as durable and lasting, for no water will alter the Collour of it. He Prints upon all sorts of Silk or Stuff *New* or *Old*, the new will show as well and as Rich as Imbrodery doth. and the *Old* will look new again, and the like for Ribon and Stomacher for Stays to Imitate any Triming. He likewise stains all manner of Silk, and Prints all sorts of Callico and Lining, with such lively Collour in various Figures, that no washing can Impare.

He sells several other Curiosities at Reasonable Rates.

To the LORDS and COMMONS in Parliament Assembled.

A Supplement to the **Proposal** *for a* **Colledge** *of* **Industry**, *Shewing a Regular Constant Imploy for the Poor, is the best Foundation of Trade, and the greatest Improvement to the Nation, and Consequently support to the Government, whilst the want of it tends to the Poor's Misery, Poverty of the Rich, and Governments Weakening.*

SUpposing there are seven Millions of People in the Nation, and that one in fourteen, either will not work, or want it; That is, five Hundred Thousand Men, Women and Children.

And Reckoning they might Earn one with another Sixpence a Day, a Head, it comes to Twelve Thousand Five Hundred Pound a Day; which is Seventy-five Thousand Pound a Week.

That makes Three Millions Nine Hundred Thousand Pounds a Year, the Nation loseth by Idleness, besides our loss in Land Unimproved by it, which is no small Sum.

To which add but two pence a Head a Day, the Nation is at Charge in Parish Rates, and other Gifts to the Poor, comes to one Million Three Hundred Thousand Pound a Year; which Account in the whole makes the Loss and Charge to the Nation to be,

Five Millions Two Hundred Thousand Pound a Year.

Tho' the Parish Rates be not much above eight Hundred Thousand Pound a Year for the Poor, yet the Gifts otherwise given them, make, I suppose, near as much more.

Now if one or two Millions of this may be saved by the Idle and Indigent, (and they better Maintained and Bred) what Profit may be further added to the Nation, by the several Millions of other Labourers that might be Imploied, in a better Method then thay are? A Regular Constant Imployment, as much Excelling an Irregular Uncertain One, for Profit, as a well Disciplined Army in Order, excels in Strength and Conduct, an Ignorant Scattered Multitude.

It's theRaiſing more then we Spend by the Induſtry and Labour of the People, muſt ſtrengthen the Nation to ſupport the Government; all other ways and means mounting to no more then how to Tax them equally, and with leaſt ſenſe to the People.

Some Reaſons for joyning Husbandry to Manufactures for imploying the Poor, as propoſed for a Colledge of Induſtry.

1. HUsbandmen are as uſeful,and wanted as much as any Mechanicks, much Land wanting People to Manage it,and more People want Bread than Cloathing,and as our Food is double the Value of our Apparel, and of more neceſſity, (the Back may be promiſed, but the Belly muſt be fed) if we will imploy more People in Manufactures, or Cloathing, than there is need for, and want them in raiſing Food, our Cloath may Moth-eat for want of vent, whilſt the Poor pine for want of Bread.

2. They will leſs Clog any Market with their Manufactures, ſome of their Hands being upon Husbandry, and alſo the People in Husbandry will take off a good part of their Manufactures.

3. As they will make leſs to Clog the Market, ſo they will not be under a neceſſity of ſelling to buy Bread (having Food enough of their own) nor of ſelling under or before a Market offers.

4. Whatever is raiſed or ſpent in the Nation, the fewer Hands it goes through between the Raiſer and Uſer, is for the Advantage of the Publick, the Raiſer having the better Price, or the Spender buys it the Cheaper, or both, and it being ſent abroad to Foreign Markets, it may be afforded the Cheaper, either to the keeping an Old, or gaining a New Trade with Strangers.

And tho' Idle or Lude Poor are (like a Mans Limbs out of joynt) Chargeable and Vexatious; yet when Induſtrious, they ſupport the Rich, and the more we have of them, the ſtronger the Nation; for if a City is of more Value than a Village, *London* than *Iſlington*, the People cannot be too Numerous, if every imploy be but in a due Proportion one to the other, Husbandmen with other Mechanicks.

But the want of Proportioning our Labourers, is what makes the complaint againſt a Multitude of them, and many Induſtrious Poor groan, under, a dull Commodity for want of vent, eſpecially adding the increaſe of Foreigners, who increaſe our Manufactures (**and not our Husbandry**) and with hard Living and cheap Working, bring our Poor Mechanicks

Mechanicks to their rate of Working and Living (ours have not been uſed to) or elſe ſtand ſtill and Beg, which makes them hate the Poor Afflicted Strangers (that Fly hither from Miſery) as Eating the Bread out of our Poor's Mouths.

Whereas in this Colledge-Method I Propoſe (Conſiſting of Temperance, Induſtry, and a due Proportioning of all Trades and Imployments (like a due quantity of Various Materials in Building, whilſt too many of one thing, and too few of another will make the Building Lame, if not uſeleſs) we may imploy and plentifully provide all Conveniences of Living, for our own Poor with Profit, and when we have ſeen the Experience from that Copy,with the ſame Improvment we may Imploy all the Foreign Poor that will come, who will be a Treaſure to the Nation, if well ordered (with this advantage alſo, that it will leave Foreign Princes the fewer Hands to hurt us) whoſe Children (tho' not their Parents) will become Natives of *England*, many of our Nobility and Eminent Gentry, and Citizens (true Engliſh Men) being the Off ſpring of Strangers.

And ſuch a Regular Imploy of our People that brings a due Proportion and Plenty of all things, will Incourage their Marriage and the coming hither of Strangers (we having Land enough to Imploy and Maintain double our Number, eſpecially a well managed Fiſhery being added) and the increaſing of our People, is the beſt Improving of our Land and Fiſhery, and increaſing of our Trade and Seamen (Tranſplanting as much as may be all Foreign Growth, to grow in our own Plantations.)

Therefore I pray you will permit a Bill to be brought in to Incorporate (with other ſuitable Incouragments to) any Perſons that ſhall be willing to ſet on Foot ſuch a Colledge of Induſtry.

John Bellers.

FINIS.

Propoſals *by* John Blener-haſſett *and* George Rogers, *Eſquires, for Encourageing a Linnen Manufactury, at* Killarney *in the County of* Kerry, *and Planting Proteſtants there.*

THat every Proteſtant who will ſet up a Loom, and Employ the ſame in the Weaving of Linnen or Canvas of any ſort, ſhall have for a reward ſet out to him, Ground for a Houſe and Garden, and Twelve *Engliſh* Acres of arable and profitable Land, for which he ſhall pay but One penny for the firſt Seven years, and a moderate rate after.

And all others skilled in any part of the Linnen Manufactury, ſhall have all reaſonable Encouragement they can deſire.

And any other Proteſtant that will come and live there, ſhall have an Acre of Ground ſet out to him for Houſe and Garden, Rent-Free for Seven years.

All the ſaid Planters ſhall have Timber for Building on the ſaid Premiſes, Free, and appointed them within half a mile of their Plantations.

And for the further Encouragement of the Linnen Manufacturors, the ſaid *Haſſett* and *Rogers*, will take of all their Linnen at Market price, and give them conſtantly ready money for the ſame.

John Blener-haſſett,

Geo. Rogers.

To The Right Honourable Convention.

GEntlemen, Though you have a *New Name*, yet I hope you are not all *New Members*, but moſt of you I hope, are *Sons of that Bleſſed Church of England, that has been always ſuſtain'd for Loyalty:* And now it is the *Wiſdom* of *God* to try *Loyalty* by *Popery*, I hope the *Lord* will give you ſuch *Wiſdom* to *Diſtinguiſh* between *Loyalty* and *Popery*, that you may retain your *Loyalty* to the *End*; and I doubt not but *You* will obtain a *Crown of Reward*: And though there may be many things ſaid againſt the *King*, yet *do* by *him* as you would have *God do* by *you*, and conſider that *he* has been *miſled* by *ſtrangers*, as many *Men* has been *miſled* by *ſtrange women*, yet they are not willing their *Wives* ſhould turn *them* out of *doors* and take other *Husbands*, tho' *they* might do it by the *Law*, yet People would think ſuch to be *Bad Women*: But I conſider that *He* was *Son* to that *Pious Prince* whom ſpite and malice *ſlew*, and *Brother* to my *Precious Sovereign* under whoſe *Wings* you had *Peace* and *Plenty*, and for their *Sakes* as well as for his *Own*, I love *him* although I never lov'd *Popery*: and therefore I made *Application* to the *King* from *Time* to *Time*, to forbear *Promoting it*, for I lov'd the *King and Kingdoms Peace*. But ſince it is ſo, I beſeech *Your Honours*, not to add greater *Sins* to leſſer; leaſt at laſt you be without *Hope*:

Therefore I humbly beſeech *You* to make *Application* to the *Lords*, that there may be a *Faſt* for *Your* better *Direction* in this *Great Affair*, (and becauſe *Mens Hearts* are not prepared, that there may be *Three Days Preparation* before the *Faſt*) that *You* may find *Grace* and *Favour* before *God* that *He* may *Direct You*, that all your *Doings* may be for *His Glory*, and the *Good* of the *King* and *Kingdom*; for you know that *God* would not allow the *Children* of *Iſrael* to go a *whoring after other gods*, neither is it *His Will* that *your minds ſhould run upon another king*, but that *You* muſt *Love Him*, and *Pray for Him*, and wherein *He* has done *Amiſs*, *You* muſt *Pardon Him* as you would have *God Pardon You*, *Beſeeching God* to *Convince* and *Convert Him*, and be not *Faithleſs* but *Believing*:and in ſo *Doing*,*You* will oblidge *Her* who *Wiſhes* not any *Thing* above *Your Preſent and Eternal Happineſs*.

ELINOR JAMES.

LE JEU de L'OMBRE DES PRINCES.

TOut l'hyver 1684. s'eſt paſſé en divertiſſements, à la Comedie, en Wirthſchafts, en Balets, en Opera, & en Deguiſements; Il n'y a guere de Princes dans l'Europe, qui n'aye fait quelque Maſcarade conſiderable; Sur tout on a beaucoup Joué à l'Ombre. l'Aſſemblée ſe tenoit dans une grande & magnifique ſale ou tous les Potentats de l'Europe eſtoient receus & n'eſtoient ſervis que par des Miniſtres du premier Ordre: L'on Joüoit à pluſieurs tables, les uns tenoient la carte, les autres conſeilloient, les uns Joüoient grand jeu, les autres petit, quelques uns regardoient, d'autres faiſoient de moitié, les uns mettoient au jeu pour d'autres, quelques uns ſe promenoient par la ſale les bras croiſés, examinant les mines & les contenances des Joüeurs, il eſtoit deffendu de parler que de jeu: c'eſt pour cette raiſon qu'on en deffendit l'entrée aux Princeſſes. J'ay appris le detail comme tout s'eſt paſſé de deux Jeſuites, a qui l'Empereur & le Roy de France, firent accorder, par grace, la charge d'Huiſſiers de la porte, a la charge & condition qu'ils n'entreroient point, ni n'ecouteroient point les Joüeurs; mais cette precaution fut inutile, car ils ſont tellement accoutumés a mettre le nez par tout que malgré la defence ils ouvroient la porte de tems en tems & avancoient leurs cornes. Ils me dirent en confidance, qu'il y avoit parmi les Princes de tres Mechants & rudes Joüeurs qu'il y en avoit méme qui ſe ruinoient, qu'on n'entendoit que des ſoupirs & des plaintes dans cette aſſemblée & que ce devoit eſtre une grande conſolation pour des miſerables

bles de voir les Maistres du Monde dans des inquietudes continuelles;

L'Empereur, disoit, Je ne craindrois rien & je joüerois hardiment, si je ne craignois les fausses cartes qui me rentrent a tout moment.

Le Roy de France, comme je sçai par experiance qu'on ne pert que faute d'argent, c'est pourquoy j'en tire de toutes choses & je ne serai pas content si je ne fais la Volte.

Le Roy d'Espagne, comme c'est moy qui a mis le jeu en vogue, il est bien raisonnable que j'en fasse les honneurs & que je joüe sans prendre.

Le Roy d'Angleterre, je passe a fort beau jeu afin de gagner le Codille.

Le Roy de Pologne, c'est assez joüé pour autruy voyons si je serai aussi heureux pour moy méme.

Le Roy de Portugal, je me retire du jeu pour un temps, car j'ay perdu une bonne joüeuse.

Le Roy de Suede, je veux changer les cartes pour voir si la fortune changera.

Le Roy de Dannemarc, j'ay presentement assez beau jeu depuis que le Roy de Triomphe m'est entré.

Le Grand Seigneur, l'On sçait que je n'aime pas le jeu, mais afin de ne demeurer pas inutile, je veux bien faire de moitié avec le Roy de France.

Le Duc de Savoye, Je n'ay pas eu le temps d'apprendre ce jeu, mais ma Mere & ma Femme me l'apprendront.

La Republique de Venise, Je n'ai jamais aimé les jeux de hazart & je ne joüerai qu'a l'extremité.

La Republique de Genne, quoyque je perde je m'en console, parce que j'aurai tousjours le renom d'avoir joüé franc jeu.

Les Electeurs du Ryn, Nous ne voulons pas joüer de peur d'estre obligés de fournir la table, les tapis & les cartes.

L'Electeur de Cologne, pendant que je dis mes heures un autre joüera en mon nom.

L'Electeur de Brandenbourg, J'ay assez bien joüé de mon tems, quand j'aurai quitté la carte mon fils joüera comme il luy plaira.

Les Electeurs de Baviere & de Saxe, Si nous faisons la Bête ce sera en bonne compagnie & nous aurons la consolation d'avoir joüé le jeu regulierement.

L'Electeur de Treve, Je ne perds pas tant qu'on croit.

Les Princes de Bronswich, nous ne joüont que par honneur, mais il n'est pas raisonnable de mettre au jeu pour tout le monde.

Les Princes d'Italie, c'est un jeu Espagnol, nous ne voulons pas l'apprendre, nous nous souvenons bien de cequ'il nous a couté autre ois.

Les Hollandois, tachons seulement de faire remettre presentement.

Le Prince d'Orange, je joüe en Cœur & quoy que je n'aye que l'Espadille, s'il m'estoit permis je hazarderois tout.

Le Duc de Lorraine, j'ay le plus mechant jeu du monde, je n'ay pas méme de quoy mettre au jeu, mais j'ay tousjours quelque esperance dans l'entrée.

L'Evesque de Straesbourg, mon employ est de messer les cartes & d'en tirer du profit dont je m'acquite assez bien.

Le Pape, je deffends ce jeu, mais le mal est que peu s'en soucient.

Le Tekely, les Huissiers quoy qu'ils soient d'ordinaire gens assez traitables, ne reconnoissant ni son habillement ni sa Couronne, luy fermerent rudement la porte au nez, en disant: les masquez n'entrent point ici, il y en a assez sans vous, mais le Tekely indigné leur respondit, je le croy, car il y en a jusques hors de la porte & ayant reconnu les Bons Peres Jesuites, il se retira sans insister davantage, esperant d'entrer par les fenestres.

Les Ambassadeurs de l'Empereur, avoient soin de tirer les rideaux des fenestres pour cacher l'Orage & le mauvais temps a la compagnie.

Les Ambassadeurs de France, attisoient soigneusement le feu.

Les Ambassadeurs d'Angleterre, demeuroient les bras croisés & jugoient des coups.

La plus part des Ministres en general, cherchoient, ou recevoient de l'argent, pour eux mémes, ou pour leurs Maistres que les uns mettoient au jeu, les autres dans la bourse.

F I N.

Those that desire Health,

May have the Elixir *of Health at* Stephen Trigg's *in* Gravel-Lane *in* Southwark, *near* St. George's Fields, *by the* White-Hart: *his Name on his Door.*

THERE be many Elixirs, but none to compare with this, nor come near it, for it is the nearest to an Universal Medicine on Earth; for he hath practised it near fifty years, and thirty since the Lord was pleased to reveal the Vertues of the same to him: and since that it hath been his Refuge to save the Lives of all in distress (his own as well as others) curing all Diseases, when other Medicines could not prevail: it seldom fails, (only it is dear.) It cures those Diseases which no other Medicine can; and with this the Lord hath been pleased to do Miracles, that all may know his Power: by helping abundance of despairing Souls, being afflicted with Barrenness and those direful and corroding Cancers in the Breasts and Wombs; and by saving many Women and Children that were even lost by hard Travel: It expells all venomous Humours, and helps the Plague and all Pestilential Fevers and Agues: It helps the Gout, Scurvey, Dropsie and Jaundies: And all those that are consumptive and decayed in Nature, by taking this daily are so recovered that they are lusty and strong beyond expression. The cause therefore of printing this is, to satisfie all People that there is now a Medicine which our Fore-fathers fought for many Generations, but could not obtain it: God's time is the best. If People could believe, certainly by the use of this they will be preserved from many Diseases, and keep in Health; thereby disappointing many Doctors of getting great Estates, and themselves of having occasion to raise those Mortal Potions that make a dark Massacre.

I would reach it to all such as the Lord shall stir up to learn it, so that People may see the Lord's Power in the Medicine, working so beyond all on Earth, that all may Praise him for ever.

Leave Debauchery, and that Judgment, the *Pox*, will cease. Women, Women, love your Husbands, and be civil; the Lord is good; bring not Misery on your selves: Young Men, fear God and depart from evil: Fools will babble: be sober, watch.

Keep this Bill, for it will help you, and save you Money.

FOR THE

TRYAL

OF

Dr. *Henry Sacheverell*

In *WESTMINSTER-HALL*,

The 27th Day of *March*, 1709.

At the Blew-Ball *in Sir* William Pritchards *Rents in* Haydon-Yard *in the* Little-Minories *near the* Tower, London, *liveth Mr.* Elmy, Operator, Occulist, *and* Practitioner *of that Noble Art of Healing: who*

IN a most Excellent manner Cureth all sorts of Deafness in any, from the Age of Seven to Fourscore years, although it hath remained on them Twenty or Thirty years, He performs the Cure without any pain to the Patient, and that in the space of an hour: He also resolveth the Patient at first sight, if at all cureable or not. He also giveth Remedies against all Noise or pains in the Ears, all this He performeth although the Patient hath been left off as incurable by others, He hath Cured several hundreds in this City, lately several Persons of most Eminent quality.

He Cures the *Gonorrhea* or running of the Reins, (if newly contracted) in Ten days, taking away the sharpness of Urine in three or four days time, never hindring business; neither shall the nearest Relation or Bed-fellow perceive their Distemper: His Medicines being truly prepared for that purpose, so that none are obliged to keep the house, and if any have been damnified by bad Medicines, he gives them Remedy, his great Arcana's being free from *Mercury*, which being ill prepared, have prov'd fatal to many.

Let the Distemper be never so Virulent and Old, he doth Cure it in a short time with great ease.

He Infallibly Cures Agues of all sorts, *Quotidian*, *Tertian*, and *Quartan*.

He hath likewise an expedicious way in curing all pains in the Teeth without Drawing.

He hath likewise a most excellent *Gargarisme* or Mouth-Water, which Cures any Canker, Ulcer, or Scurvey in the Mouth, fastning Loose Teeth, and making black ones as white as Ivory.

He hath a most Famous Pill for Curing the Scurvey and Dropsie, with all Joynt pains, Purging the Blood, and Sweetning the Salt and Tartarous Humour, that makes your Skin Deformed.

He maketh and Selleth the true *Elixir Salutis*, which Cures the Scurvey, Gout, Pisick, Chollick, Gripes, Spleen, Fits in young or old, the Stone, Gravel, Dropsie, Green-Sickness, Surfeits, Consumptions, Worms, Rickets and Convulsions.

The half Pint Bottle is 2s. 6d.

He is to be spoken with from 8 in the Morning till 6 at Night.

The Freeman's OATH *of the* Hamborough-*COMPANY.*

YOU Swear by the Almighty God to be good and true to our Sovereign Lord the King, and to his Heirs and Succeſſors; you ſhall be Obedient and Aſſiſtant to Mr. Governour or his Deputy, and Aſſiſtants of Merchants Adventurers, in the Parts of *Holland*, *Zealand*, *Brabant*, *Flanders*, and within the Town and Marſhes of *Calais*, as alſo in *Eaſt-frieſland*, or any other Country or Place on this and that ſide the Seas, where the Company are and ſhall be priviledged. All Statutes and Ordinances not repealed which have been made or ſhall be made by the ſaid Governour, or his Deputy and Fellowſhip, you ſhall to your beſt knowledge, truly hold and keep, having no ſingular reguard to your ſelf in hurt and prejudice of the Common-weal of the ſaid Fellowſhip; Or elſe being Condemned and orderly demanded, ſhall truly from time to time, Content and pay unto the Treaſurers for the time being, all and every ſuch Mulcts and Penalties, which have or ſhall be limited, and ſet for the Tranſgreſſors and Offenders of the ſame, the Secrets and Privities of the aforeſaid Fellowſhip, you ſhall heal and not bewray. And if you ſhall know any manner of Perſon or Perſons, which intend any hurt, harm or prejudice to our Sovereign Lord the King, or unto his Lands, or to the Fellowſhip aforeſaid, or Priviledges of the ſame, you ſhall give knowledge thereof, and do it to be known to the ſaid Governour or his Deputy: And you ſhall not colour or free any Foreigners Goods, which is not Free of this Fellowſhip of Merchant Adventurers of *England*.

REASONS Humbly Offered, why the Importation of Foreign-wrought Figured, Flowered, Biaſſed, Stitched and Stripe Silks and Drugets, Tameenes and Eſtimenes, and other Stuffs made of Wool, ſhould be prohibited.

THe Trade of *Weaving* is of great Antiquity and Uſefulneſs, and for theſe Forty Years paſt, hath exceedingly Improved, and been very advantagious to this Nation, the Woollen Manufactures Wrought in *England*, being Exported to *Turky*, *Italy*, *&c.* have been chiefly paid for with Raw Silks and Hair, greatly beneficial to His Majeſty in His Cuſtoms, to the incouragement of Navigation, and to the imploying of very great numbers of *Engliſh*, there having been imployed at one time in the City of *London*, and Parts adjacent, in and about the Weaving the ſaid Silk and Hair, at leaſt One Hundred Thouſand Perſons, old and young, beſides very great numbers at *Canterbury*, *Mancheſter*, *Exerter*, *Norwich*, and other Places.

That the *Engliſh* have arrived to very great Skill and Experience in the Weaving all manner of Silks and Stuffs, and having duly paid and anſwered the Cuſtoms for the Raw Silks, Hair, and other Commodities uſed in the Dying thereof, and working and providing (at the dead time of the year) great quantities of well-contrived, and workmanlike Broad and Narrow Commodities, as well Plain as Faſhionable, Figured and Flowered, expecting to Sell the ſame at other times, are diſappointed by the frequent Importation of Foreign-wrought Commodities of Silk and Wool, eſpecially from *France*, moſt of which (by ſmall Sloops or Shallops) are privately conveyed hither without paying Cuſtom, it being very obvious and plain, that not one Peece in twenty are Entred or Paid for, to the great Deceipt of His Majeſty. And however ſlight, defective, and old-faſhioned the ſaid Foreign Goods are, yet being here, and term'd *A la mode de France*, are greatly uſed, to the Deceipt alſo of the Subject; whereby the *Engliſh* Artiſts, having little or no Vent for their Commodities, have no incouragement to Ingenuity, and many hundreds of *Weavers*, aſwell at *London*, *Canterbury*, *Norwich*, and other Places, have through theſe diſcouragements, eſpecially for theſe laſt ſix years, been ruined, and inforced to deſiſt from their Callings, and many of them betaken to Porteridge, and other ſervile Imployments, and great numbers of Perſons, old and young, by them formerly ſet to Work, are now (for want thereof) become burthenſome and chargeable to their reſpective Pariſhes; and without ſpeedy remedy, the Art of *Weaving* will be here totally loſt, to the great Diſhonour of this Kingdom.

That hereby alſo a great number of *Engliſh Merchants*, Trading to *Turky* and *Italy* for Raw Silks and Hair as aforeſaid, are greatly diſcouraged by the ſmall Vent for the ſame, and conſequently the Vent for the Woollen Manufactures is and will be exceedingly leſſened, to the great Dammage of His Majeſty in His Cuſtoms, and the whole Kingdom in general.

That the *Mercers*, Trading in Silks and Stuffs, are alſo greatly damnified; for that, although they uſually venture upon ſmall quantities of the *Engliſh* Woven Goods, ſometimes but for one Garment which they Cut out of the *Weavers* Loom, becauſe of the alteration of Faſhions, yet will not the *French Merchants* ſell the *Mercer* leſs than ſeveral Peeces of great lengths, and at high Rates, and before he can have Vent for one half, the ſaid *Merchants* immediately bring in other Faſhions, ſo that either ſome whole Peeces, or many Remnants, remain upon the *Mercer*'s Hands, to his greater Loſs than the Profit of the former will enable him to bear.

That it hath been truly computed, that the *Engliſh* pay yearly for the Manufacturing of *French*-Woven Silks, (beſides Stuffs) which might be Wrought by Handicrafts in *England*, and which are generally paid for with Monies, not with other Commodities, the Sum of Five Hundred Five Thouſand One Hundred and Ten Pounds: So that allowing to every Perſon, working in Silk, Fifteen Pounds *per Annum*, (which is the moſt, one with another, they do or can earn) it would imploy Thirty Three Thouſand Six Hundred Seventy Four Men, Women and Children, which number, were they here imployed, would be conſiderably advantagious to this Kingdom. And from hence it is evident, That the *Engliſh* do maintain the *French* Kings Subjects at Work, whilſt the Natives here are ready to ſtarve and periſh through want thereof.

That all theſe Inconveniences to Trade, and Dammage to the Kingdom, doth enſue by the Craft and Subtilty of a few *French Merchants* in *London*, about ſeven or eight in number, who to enrich themſelves, care not how many thouſands of the *Engliſh* (eſpecially the poor Handicrafts) are ruined.

That the *Weavers*, in and about *London*, have been lately required by His Majeſty and Council, to receive and imploy Aliens and Strangers, *Weavers*, which they readily ſubmitted unto, in confidence, that then Foreign Work would be diſcouraged, for that Foreign Work and Workmen coming together, will certainly ruin the *Engliſh* Artiſts; and if Work be brought, there can be no incouragement for Foreign Workmen to come, and many Strangers repairing hither of late, through want of Imployment in the *Weavers* Trade, have returned back again: And were there Imployment ſufficient (which can never be but by diſcouragement of theſe *French* Silks and Stuffs) the *Weavers* will willingly and chearfully imbrace as many Strangers in the *Weaving* Trade, as ſhall by Authority be thought fit to be allowed here to reſide.

That the *French* King, becauſe His Subjects have gained ſome little Experience in the Weaving of Silk Stockings, hath lately prohibited the Sale of *Engliſh* Stockings in His Countries, whereby that Trade is like to be loſt.

Now, inaſmuch as the *Weavers* deſire not to diſcourage the Importation or Uſe of ſuch Silks as are not Wrought and Manufactured here, they hope they ſhall receive all due incouragement in ſuch as they do or can Make, and which from the Reaſons aforeſaid will ſo greatly tend to the Advantage and Honour of this Kingdom: And therefore humbly Pray, *That the Importation of all Foreign-wrought Figured, Flowered, Biaſſed, Stitched, and Stripe Silks and Drugets, Tameenes and Eſtimenes, and other Stuffs made of Wool, may be prohibited amongſt other Commodities prohibited by the Bill of Impoſition now under Conſideration.*

TO THE

QUEEN's Most Excellent Majesty.

The Humble

ADDRESS

OF

The LORD-MAYOR, ALDERMEN *and* COMMONS *of the* CITY *of* LONDON, *in Common-Council assembled.*

DREAD SOVEREIGN!

THE Daring and Insolent Attacks that have been Publickly made on Our most Happy Constitution (of which Your MAJESTY's Royal Prerogative is so Essential a Part) by infusing *Republican Notions* into the Minds of Your Subjects, by Printing and Publishing Seditious and Scandalous Books and Pamphlets, have justly awaken'd Us, Your MAJESTY's Most Dutiful and Loyal Subjects, to a serious Consideration of the Fatal Consequences of such Doctrines, to Your MAJESTY's Most Sacred Person, and to the Protestant Succession as by Law Establish'd, being destructive of Monarchy it self.

WE therefore most humbly crave Leave, to Declare our Hearty Detestation of all *Anti-Monarchical Principles*; and to assure Your MAJESTY of our Steady and Unshaken Loyalty to Your Person and Government, supported by Your Just and Legal Prerogative; of our Hearty Zeal for the Preservation of the Church of *England*, founded on the Doctrines and Practices of the Apostles and Primitive Christians, with a tender Regard to all Persons of Consciences truly Scrupulous; of Our firm Resolution of Maintaining the Protestant Succession, as by Law Establish'd, in the Illustrious House of *Hannover*, as the only Means to Perpetuate the Great Blessings We enjoy under Your most Auspicious Reign.

AND in Obedience to Your Royal Commands, We will use Our utmost Care and Diligence, to Prevent and Suppress all Riotous and Tumultuous Assemblies, and with undauuted Vigour (to the last) Oppose all Persons, both at Home and Abroad, who shall attempt to disturb the Peace of Your Glorious Reign, or the Serenity of Your Royal Mind.

Printed for *John Morphew* near *Stationers-Hall*, 1710.

A Moſt Wonderful

PROPHESIE,

Taken out of

PUGH's Collection of PROPHESIES

ON

GREAT-BRITAIN:

And Mentioned In

Heraclitus Ridens,

Numb. 27. With Allowance.

1. *Koronog Fabau*, in his middle Age will run furious upon his Enemy; and in his later Days will be a King.

2. *Koronog Fabau* will wonderfully betake himſelf to a ſtrange Land to avoid a Storm; he ſhall looſe in *England* Lordſhips and Greatneſs, and yet he ſhall be a King before his later Days.

3. *Koronog Fabau* in his Youth will looſe a Crown due unto him, but in his Old-age will be a Man of Might and Greatneſs, and Kill with an Axe, and Conquer Crowns; and bring *Great-Britain* Honor.

4. *Koronog Fabau* will prepare a Navy, which will be hurtful to his Enemies, and it will not avail them to fly from him.

5. *Koronog Fabau* will be advanced to Immenſe Honors in the Territories of *Rome*, he will make a Purchaſe; and his Enemies will fall into miſery. After the Year 1691. He will take Vengeance of a Great City for their Contempt, Treachery, and mercileſs Cruelty; And when he becomes aged, through the aſſiſtance of Almighty God, will procure Juſtice and Equity to his own Friends, although at preſent but of ſmall account.

6. *Koronog Fabau* will be mighty Powerful in his later Days, though in *England* ſlighted for a time. He ſhall eſcape the Stratagems Plotted againſt him by a Race of Wicked Men. He will convey private Meſſages to the Governours of Caſtles and Cariſons; then ſhall Banners be ſet up, at the Terror of which Sight, Lamentation and Woe ſhall befall his Enemies.

7. *Koronog Fabau* ſhall be called the Beſt of Kings, and ſhall overcome his Oppoſers: *And will take* (or ſupport) the Sign of the Holy and Bleſſed *Croſs*.

LONDON, Printed in the Year 1692.

Joſeph Brocke, Appellant. { *Sarah Cutler*, Executrix of *Francis Cutler* Deceaſed. } Reſpondent.

THE CASE OF THE APPELLANT,

Humbly Preſented to the Conſideration of the Lords Spiritual and Temporal in Parliament Aſſembled.

Francis Cutler being Entituled to a Debt of 100 *l.* by Bond entred into by *Thomas* and *John Barney*, long ſince deceaſed, which he had a long time eſteemed deſperate, and the Appellant *Brocke*, having a Statute acknowledged by one *Bowman* for 100 *l.* which was eſteemed doubtful; *Cutler* and the Appellant agreed to exchange the ſaid Debts, which was done by *Cutler*'s giving the Appellant the Bond, and the Appellant's giving *Cutler* the Statutes, and Suits were begun on the ſaid Bond and Statute for obtaining the ſaid Debts.

The Appellant by great Induſtry, Trouble and Expences in Law, and otherwiſe was in a probable way of obtaining the Debt on *Barney*'s Bond, but there was not the like Probability of Succeſs on the Statute, of which *Cutler* complaining, the Appellant and *Cutler* came to a new Agreement, That out of the Moneys that ſhould be Recovered on the Bond, all the Charges expended, as well concerning the Bond as the Statute ſhould be paid, and the remaining Moneys, as alſo what ſhould be recovered on the Statute ſhould be divided equally between him and *Cutler*, as the ſame ſhould be Recovered.

After which, there was received of Mr. *Wyndham*, (whoſe Wife was Executrix of *John Barney*) for principal Intereſt and Charges, by Agreement of the Appellant and *Cutler*, the Sum of 120 *l.* which was all received by *Cutler*, he being the Perſon who could give a Legal Diſcharge for the ſame; but upon Truſt and Agreement, that the Appellant ſhould have the Moiety after Charges deducted.

Cutler out of the 120 *l.* paid to the Appellant 52 *l.* 15 *s.* at two Payments, being the Charges the Appellant had laid out on the Bond, and what he had laid out at the Requeſt of *Cutler* concerning the Statute.

And *Cutler* having got the 67 *l.* 5 *s.* remainder of the 120 *l.* delayed to divide it, and afterwards refuſed to let the ſaid Appellant have his half of it.

Thereupon the Appellant exhibited his Bill in Chancery againſt *Cutler*, but he refuſed to anſwer, and died while he ſtood in Contempt: And the Suit being revived againſt the Reſpondent his Executrix, altho the Appellant fully proved both Agreements with *Cutler*, and the Execution thereof, by the Exchanges of the Bond and Statute. And that the Money on the Bond was received by the Diligence and Care of the Appellant, to his very great Prejudice in his Trade of a Mercer, which he thereby much neglected: Yet the Lords Commiſſioners of the Great Seal on the hearing the ſaid Cauſe on the Second of *May* laſt, without any manner of Proof on the Reſpondent's Part diſmiſſed the Appellant's Bill, and ordered him to pay Coſts which are ſince Taxed at 44 *l.* 7 *s.* 3 *d.*

And it is humbly Conceived, that the ſaid Diſmiſſion ought not to have been, but that the ſaid Reſpondent ought to have been Decreed to have paid to the ſaid Appellant one Moiety of the ſaid 67 *l.* 5 *s.* which it is humbly hoped ſhe will be compelled to do by this moſt Honourable Houſe.

For which Purpoſe the Appellant has humbly Appealed from the ſaid Diſmiſſion made by the ſaid Court of Chancery to this moſt Honourable Houſe.

For the Respondent.

THE ABSTRACT OF THE CASE OF

Richard Reed the Younger, Esquire, Respondent to the Appeal of *Walter Williams* Esq; and *Elizabeth* his Wife Appealants.

John Reed Esquire, seised of the Meadows in question of the then value of 100 l. *per annum*, demiseth them to *Katharine Reed* his Sister for 99 years, and after conveys the Inheritance thereof to *Edward Reed* his Brother.

Katharine gave this Lease by her Will to *Richard Reed* the Elder (after some Legacies for lives which are all dead) in trust for the GENERAL HEIR, which GENERAL HEIR falls out to be *William Reed*, Son to *Elinor Reed*, Daughter to the said *John Reed*, which *Elinor* was the Wife of *Richard Reed* the Younger.

This Lease is questioned by *Edward Reed* as a Mortgage for 1000 l. and *Anno* 1639. is Decreed to be a Mortgage.

Richard Reed the Younger, to preserve this Lease to his Family, buyes in this Decree for 250 l, and so quiets the Estate.

Richard Reed the Elder, in pursuance of the Will of *Katharine*, assigns the Lease in Trust for *William* the GENERAL HEIR, *William* the GENERAL HEIR, assigns his Interest to

Edward Reed, assigns the Decree in trust for

The Respondent *Richard Reed* the Younger, who hath now both Interests, the Legal from *Richard Reed* the Elder, and the Equitable from *Edward Reed*.

William after the Assignment Marries the Petitioner *Elizabeth*, (who brought in Portion 1500 l. in Hand, and 500 l. to be paid in 5 years, and had in Joynture, which she enjoys 250 l. *per annum*) makes the Petitioner *Elizabeth* Executrix, and dies without Issue.

The Petitioner *Elizabeth*, not content with her Joynture of 250 l. *per annum*, claims an Interest in this Lease.

Thereupon arose cross Suits in *Chancery*, and it was Decreed by the late Lord Chancellor *Nottingham*, that the Assignment of *William* to the Respondent was good, and that the Petitioners should release.

Which Decree upon a Re-hearing was confirmed, and the Petitioners do accordingly release.

Notwithstanding all which the Petitioners do Appeal against the said Decree of 1639. made by the Lord Keeper *Coventry* (46 years since) as unjust, and against the second Decree made by the late Lord Chancellor, (not as unjust, but as made in pursuance of the former Decree, as it was not) and against their own Act and Deed, and against the Act and Deed of *William* her Husband, by which he hath barr'd himself and his Executors from having any Appeal.

Mr. *Brocke's* CASE

APPELLANT.

Mrs. *Cutler* Reſpondent.

To be Heard *January* 10*th.* 169$\frac{3}{4}$.

Before the Lords

Spiritual and Temporal

IN

PARLIAMENT.

The Abſtract

OF

Sir *CHARLES HOLT*'s CASE.

1664. A Mortgage of 700 *l. per Annum*, is made by Sir *Robert Holt* to Mr. *Fountaine*, and alſo a Recognizance of 8000 *l.* is aſſign'd to him for ſecuring 5000 *l.* lent in Mr. *Fountaine*'s Name, in Truſt for Mr. *John Coke*, ſince deceaſed.

Mr. *Fountaine*, who pretended a Gift of this Money, from Mr. *John Coke*, after ten Years Suit with Mr. *Coke*'s Executors, and ſeveral Hearings, is decreed to transfer the Securities to Mr. *Coke*'s Executors; and theſe Executors have been ſince adjudg'd to be Executors in Truſt for *Edward Coke* Eſq; an Infant, who in *Trinity*-Term 1693, obtain'd another Decree againſt Sir *Charles Holt* for this Money, and all Intereſt ſince the Loan of it, and for Non-payment to hold the Mortgag'd Eſtate diſcharg'd of all Equity of Redemption. About 2800 *l.* has been paid for Intereſt, and receiv'd out of the Profits of the Mortgag'd Eſtate: 3000 *l.* more paid into the Court of Exchequer, and 2000 *l.* more paid lately to Mr. *Edward Coke*'s Guardian in Obedience to the laſt Decree.

Mr. *Fountaine*, who has the Eſtate in Law, and the Securities in his Hands, and is the only Perſon capable to reconvey the Eſtate, refuſes to reconvey it, or to deliver up the Securities, and hath ſtood out all Proceſs of Contempt for eleven Years.

Sir *Charles Holt* always has been, and ſtill is deſirous, and ready to pay what remains due, if he may have his Eſtate, and is not capable of raiſing the Money otherwiſe.

It is contrary to all Juſtice and Equity, that Sir *Charles Holt*, who has been forc'd to pay the greateſt part of the Debt, and is ready to pay the Reſidue, ſhould loſe an Eſtate of 700 *l. per Annum*, and have the reſt of his Eſtate ſubject to a Recognizance.

The Cauſe has paſs'd the ordinary Judicature of the Nation, and that cannot diveſt the Eſtate out of Mr. *Fountaine*, nor reſtore it to Sir *Charles Holt*: and unleſs there be ſome Remedy by Act of Parliament, Sir *Charles Holt* muſt loſe his Eſtate, tho he would pay his Debt; which Caſe it is humbly hop'd may deſerve (if any Caſe can) the Relief of an Act.

Advertiſement, *For the Diſpoſal of Fine Lace, and Flat Point,*

To the Value of 900 l. Conſiſting of all Breadths whatſoever.

WHEREAS Mr. *Jonathan Fawconer* (a Whole-ſale-dealer in Fine Bone-Lace and Points, as above) did leave at the time of his Death (the latter end of the laſt Month) a conſiderable quantity of the ſame: Now it is propoſed by his Executrix and her Aſſiſtants, to diſpoſe of the ſaid Goods on the Conſiderations following, (*Viz.*)

At Mrs. *Mary Fawconers*'s Houſe over againſt the *Conduit* in *Aldermanbury*, will be delivered out 7200 Tickets at 2 *s.* 6 *d.* each; and there ſhall be alſo 7200 Blank Tickets prepared, 201 whereof ſhall be made Prizes, and upon each Benefit Ticket ſhall be entred the Value of Goods deſigned for that Ticket, and the Parcel or Lot to be of the ſame Number with the Tickets.

The Benefit Tickets are as follows:

No.	*Li.*
1	40
1	30
2 of 20 *l.* each	40
4 of 15	60
8 of 10	80
20 of 7	140
40 of 5	200
40 of 3	120
85 of 2	170
201	880
The firſt drawn Ticket	10
The laſt drawn Ticket	10
In all	900

☞ Note, *The Firſt Ticket drawn ſhall have* 10 *l. Prize if not Benefited, but if Benefited* 10 *l. beſides the Benefit.*

☞ Note, *The Laſt Ticket drawn ſhall have the Prize but if Benefited* 10 *l. Prize beſides the Benefit.*

☞ Note, *That all the Benefited Tickets are orderly numbred, beginning with* 1, *and ending at* 201 *inclusive, thus: The two firſt being ſingle Lots, are numbred* 1, 2; *the next being two Lots, are numbred* 3, 4; *and ſo the next being four, are numbred* 5, 6, 7, 8; *and the next being eight, are numbred* 9, 10, 11, 12, 13, 14, 15, 16; *and ſo on ſucceſſively, ſtill continuing the number of Lots where the other ends, to* 201 *inclusive, as before; beſide the firſt drawn Ticket, its Lot N.* A, *and laſt drawn Ticket, its Lot N.* B; *that every one may know their own particular Lot.*

Obſerve, For the incouragement of Adventurers, that all theſe Fine Laces and Flat Points before-mentioned, ſhall be put up in ſuch Lots or Parcels, as ſhall be fit for any Shopkeeper to Retail them, or for any other Perſon to make up as they ſhall think fit; and they ſhall be put up at the firſt coſt they were lately bought for by the Deceaſed, Mr. *Jonathan Fawconer*, the neceſſary Charges in the diſpoſal of them (as is always uſual in ſuch Caſes) only excepted; there being no other end or deſign in their Undertaking (which ſhall be but once) but the quick diſpoſal of the ſaid Goods.

And for the greater ſatisfaction of all that the Goods are ſo put up at the prime coſt, there has been an Account taken of them (in the preſence of Mr. *Benjamin Hill*, at the *Angel* in the *Poultrey*) by Mr. *David Abbot*, and Mr. *Richard Lucas* Lacemen, at the *Sarazens-Head* in *Friday-Street*; which two latter very well knew the Deceaſed, Mr. *Jonathan Fawconer*'s Mark, inſomuch as here can't be any fraudulent dealing, but you will have every thing at the firſt hand: And the aforeſaid Lacemen will be careful to ſee the ſame Goods put up in Lots or Parcels Proportionable to each reſpective Ticket.

Theſe Perſons following (not intereſted in this matter) do offer to be ſecurity for the Juſt and Regular performance of theſe Propoſals; and do likewiſe promiſe, that Three or more of them will be preſent, to ſee the ſame rightly managed, (*Viz.*) Mr. *Hill*, Mr. *Abbot*, Mr. *Aſhfeld*, Mr. *Roſe*, Mr. *Ambrous* and Mr. *Burford*.

It is hoped that the whole Number of Tickets may be compleated by the Twentyeth of *March* next; but if ſooner, publick Notice ſhall be given in the *Gazzette*, the time when, and place where the Tickets ſhall be drawn.

At the Late Mr. *Jonathan Fawconer*'s Houſe in *Aldermanbury*, over againſt the *Conduit*, the Goods may be ſeen by any Perſon till the time of their diſpoſal.

☞ Note, *That all Perſons that are the Buyers of the aforeſaid Goods, are deſired to ſend for them away in ſix days after the Drawing of the Lots, and to bring or ſend their Tickets ſigned by either of the Perſons following; which will warrant the Delivery of them.*

Tickets may be had at theſe Places following, Viz.

MR. *Aſhfeild* at the *Bell* a Grocer in *Bedford-ſtreet*, in *Covent-garden*, Mr. *Roſe* Sword-Cutler at the *Sign* of the two *Eagles* in *Ludgate-ſtreet*, Mr. *Ambrous* at the *Peſtle* and *Mortar* in *Panton-ſtreet* near *Leiceſter-Fields*, Mr. *Burford* Apothecary at the *Sun* in *Leaden-Hall-ſtreet*. And at her own Houſe over againſt the *Conduit* in *Aldermanbury*.

THE ABSTRACT OF Sir *Charles Holt's* Case.

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WHEREAS Mr. *Jonathan Fawconer* (a Whole-ſale-dealer in Fine Bone-Lace and Points, as above) did leave at the time of his Death (the latter end of the laſt Month) a conſiderable quantity of the ſame: Now it is propoſed by his Excecutrix and her Aſſiſtants, to diſpoſe of the ſaid Goods on the Conſiderations following, (*Viz.*)

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THE ABSTRACT OF Sir *Charles Holt's* Case.

A LIST of the Names

OF ALL THE

Partners in the Lead Mines of *Bwlchyr Eskir Hir*, in the County of *Cardigan*, the Tenth day of *December*, 1694. whereof thoſe Markt with a * are not capable (by their Number of Shares) to be choſen *Committees*.

B.

Mr. *Thomas Barneby*, Gent.
Sir *Charles Bickerſtaff*, Kt.
Philip Bickerſtaff, Eſq.
* Mrs. *Jane Bickerſtaff*, Spinſ.
Mr. *James Blake*.
Mr. *Robert Bloome*.
The R. Hon. *Pawlet*, Earl of *Bollingbrook*.

C.

The moſt Hon. the Lord Marquis of *Carmarthen*.
Mr. *Richard Chauncy*.
Mrs. *Mary Cholmley*, Wid.
* Mrs. *Elizabeth Cholmley*, Spinſ.
Mr. *William Cokayne*.
Hatton Compton, Eſq.
* *Richard Curtis*, Gent.

D.

* The R. Hon. *William* Lord *Digby*.
Mr. *Paul Docminique*.

E.

Sir *Humphrey Edwin*, Kt. and Ald.
Samuel Edwin, Eſq.

F.

* *Henry Farmor*, Eſq.
Mr. *Anthony Forty*
William Freeman, Eſq.

G.

* Mr. *Edward Grace*.
* Mr. *Henry Grove*.

H.

Mr. *Whitfield Hayter*.
* Mr. *John Hayword*.
* Mrs. *Ann Hill*, Wid.
* Mr. *Thomas Houghton*, Cl,

I.

Mr, *Thomas Jeve*.

L.

The R. Hon. *James*, Ld. Viſct. *Lansboro*.
His Grace the Duke of *Leeds*.
George London, Eſq.
* Mrs. *Elizabeth Lloyd*, Wid.
* Mrs. *Elizabeth Lloyd*, Spinſ.
Henry Lloyd, Eſq,

M.

John Meyricke, Gent.
Arthur Moore, Eſq.
Sir *John Morden*, Knt.
Mr. *Thomas Morrice*.

N.

* *Edward Nicholas*, Eſq.

O.

Mr. *John Oldbury*.

P.

Mrs. *Bridget Peſhal*, Spinſ.
Mr *Thomas Phipps*.
William Powel, Eſq.
* Sir *John Price*, Bar.
Sir *Carbery Pryſe*, Bar. Dec.

R.

Benjamin Rawlins, Gent.

S.

* *Chriſtopher Smith*, Gent.
* Mr. *William Stubbs*.
Henry Simons, Eſq.

T.

Mr. *John Thrale*.
Samuel Trotman, Eſq.
Mr. *Nathaniel Troughton*.

W.

* *James Waringe*, Gent.
Mr. *Benjamin Weſton*.
Sir *Paul Whitchcot*, Knt.
* *John Wodehouſe*, Eſq.
Mr. *John Wolley*.
Sir *Chroſtopher Wren*, Kt.
Mrs. *Lucy Wroights*, Spinſ.

Memorandum, *Ten Shares have but One Vote, and no leſs than Twenty Shares renders any Perſon capable of being Choſen of the COMMITTEES.*

The great Grievance of Traders and Shopkeepers, by the Notorious Practice of Stealing their Goods out of their Shops and Warehouſes, by Perſons commonly called Shoplifters; *Humbly repreſented to the Conſideration of the Honourable Houſe of Commons.*

K. England. — Parliament. — House of Commons. — Petitions, &c.

I. THE Notoriouſneſs and Increaſe of this Practice needs no other demonſtration than the daily Experience of all the Shopkeepers within the Bills of Mortality; againſt which their ſtricteſt diligence cannot ſecure them, their Number, Craft, and Power, being jointly increas'd and combin'd, by which means they perſonate all degrees of Buyers, in all their reſpective Qualifications, having their ſeveral Societies and Walks, their Cabals, Receivers, Solicitors, and even their Bullies to reſcue them if taken, as ſome late Inſtances ſhew; as well as their combin'd Purſes to defend themſelves in their Villany, with their repeated Threats, if proſecuted: And carry on the ſame, as if they were a Body-Politick or Corporate.

II. Their Loſs and Damage hereby ſuſtained, by a moderate Computation, doth very much exceed in Value all other Robberies within this Kingdom; a late Shop-lift before her Execution confeſſed that ſhe (in her Calling) had ſtolen to the Value of Twelve thouſand Pounds; by which Practice many Shopkeepers have been inſenſibly ruined, and all much prejudiced by their Loſs of Goods, Time, and Charge in Proſecutions; by the Expence of keeping more Servants for their Security, and ſometimes by their falling as a Prey to their united Malice and Revenge, for adhering to proſecute.

III. The Cauſe of this notorious Practice arriving to ſuch a degree, is humbly conceived to be as follows:

1. By the Ignorance or Negligence of the Proſecutor in the Forms of Proceeding, and the Difficulties, and Expence, and Attendance of the ſame, and that defended by all the Craft and Subtilty of an united Body and Purſe.

2. By the lightneſs of the Puniſhment; for if the Facts be not notorious, and the Goods ſecured, the Criminals eſcape with a *Bridewell*-Whipping, and ſoon return to their Trade, and this very often before they reach *Newgate*. But if convicted of Felony, burnt in the hand for the firſt Offence; and when indicted a ſecond, third, or fourth time, eſcape with the ſame Puniſhment, by reaſon of the difficulty in proving the Record, they being uſually indicted and convicted every time by ſeveral Names, ſo eſcape Death, and are ſometimes burnt in the Hand ſix or ſeven times.

3. By compounding of Felonies when the Felon taken, and omitting Proſecution.

4. By the chief Receivers and Heads of this Body, and thoſe who know their Walks and Gangs, reſtoring the Goods ſtolen, but at the Expence of more than half the Value, and Promiſes of not proſecuting, as was practiſed by the late City Marſhal, and continues ſtill by ſeveral that undertake to do the ſame.

Experience ſhews, that Burning and Whipping increaſes their Number, and ripens their Invention; ſo that few Offenders are taken; when taken, not One in Ten proſecuted; when proſecuted, not One in Ten but either is cleared by Whipping, or by Burning in the Hand; and if condemned, uſually Tranſportation is granted, which is much to be feared hath not its intended Effect.

All which Grievances are humbly repreſented to the Conſideration of this Honourable Houſe, to redreſs in ſuch manner as they in their Great Wiſdom ſhall think fit.

The CASE of Traders, relating to Shop-lifters, for the Bill againſt Houſe-breakers, Shop-lifters, *&c.* now depending in the Honourable Houſe of Commons.

REASONS

Humbly Offered for Paſſing of the BILL

For the Eſtabliſhing and Re-gaining of the

FISHERY.

THE King in his moſt Gracious Speech to both Houſes of Parliament, on the 9th of *November*, 1698. doth declare his Royal Inclinations for the Support of the Saftety, Honour and Happineſs of the Kingdom.

And in his moſt Gracious Speech upon the Disbanding of the Army, lays the Safety of the Nation before them, as a Duty incumbent on them to take Care of. And ſince the Army is disbanded, our Main Safety is our Shipping; This Security (is conjectur'd) was the Chief Reaſon of Disbanding the Land-Forces.

And being willing to add the leaſt Mite for the Glory, Safety, and Defence of the Kingdom; being ſo good and great an Undertaking, do humbly proſtrate my Thoughts to the Sage Conſideration of this Honourable Houſe, being the Repreſentatives of the whole Kingdom.

It ſeems very ſtrange to all *Europe*, eſpecially thoſe bordering on the Sea, That *England* ſhould for ſo many Years laſt paſt, and ſtill continue in the Neglect of the Preſervation of the Main Foundation of the Realm, to wit, *A National-Fiſhery*, which would (rightly managed) be the *Palladium* of the Kingdom, and anſwer all that His Majeſty asks in his moſt Gracious Speech of the 9th of *November*, 1698. —— For upon a *National-Fiſhery* (under God) doth depend the Honour, Safety, and Strength of the Kingdom, the Flouriſhing of Trade, and Employing of the *Poor*, as more at large is made appear in a Book, Entituled, *A Vindication of a National-Fiſhery*, which is now in the *Preſs*, and will be ſpeedily publiſhed.

As to the *Fiſhery*, it is the Univerſal Nurſery for Seafaring-Men, which to a Royal Navy, are like rich Furniture in a Prince's Pallace. And want of Mariners in *England* has been too viſible to us, and too well known to our Neighbours, by our turning them over from Ship to Ship, in the late War; and by our long Embargo's upon Merchant-Men, to the great Detriment of our Merchants, and a Loſs to the King in his Cuſtoms; by not going their Voyages; and further, by the great Charge the Nation hath been put to for Impreſſing of Landmen, a parcel of Vagrants and Vagabonds, that have not Proweſs to make them Soldiers, nor Genius to make them Mariners; and whilſt they are in Harbour, eat up the Nations Proviſions, and when they once come to be toſs'd in a rowling Sea, are ſick and infect the Seamen, and thouſands of them die, to the great depopulation of the Kingdom, as can be atteſted by the Commanders, who are daily the Spectators of this Calamity in time of Action; and as may be ſeen by the Books in the Navy-Office, and a *National-Fiſhery* would prevent theſe Inconveniences for the future.

But looſing the Nurſery for the Seamen for want of Encouraging the *Fiſhery*, is not the only (though Chiefeſt) Loſs that this Kingdom ſuſtains.

For the Fiſh that is taken by Foreigners, hath been modeſtly computed at no leſs than Ten Millions Sterling *per Annum*, in the *Britiſh* Seas; as hath been

been asserted by Sir *Walter Rauleigh*, Sir *John Burroughs*, and several other Authors, whose Works were never answer'd, and cannot be confuted.

And further, a *National Fishery*, will not only enrich the Kingdom, and employ the *Poor*; but it will put a Check to the growing Greatness of our Neighbours, and render us so formidable both by Sea and Land, that none durst oppose us. And I believe not any man can shew any other way to preserve the Glory and Grandeur of the Kingdom, and to provide for the *Poor*, but by Raising and Establishing the *Fishery*; 'tis a bold Expression, but a true Assertion.

For that Judicious and pious Patriot of our Country the late Lord Chief Justice *Hale*, did aver, that to provide for the *Poor* was an Act of great Civil Prudence and political Wisdom; For *Poverty* it self is apt to emasculate the Minds of Men, or at least makes men tumultuous and unquiet, where there are very many *Poor*, the Rich cannot long or safely continue; Such Necessity renders Men of Flegmatick and dull Natures, stupid, and indisciplinable; and Men of more Fiery and Active Constitutions, Rapacious and Desperate. For let the Laws be never so severe against Thieves or Felons, they will take bad Courses rather than starve; for they dread Hanging less than Starving, for Idleness is the Root of all Evil, and Necessity the Mother of Invention; for let the Judge ask the Criminals why they take those lewd Courses, they are Arraigned or Condemn'd for, the General Reply is Want; and the last Execution day, two of the Criminals that Suffered, did declare before they died, it was Want that enforced them to take those Courses (for which they suffered) to maintain their Wives and Children, because they could not see them starve.

And by passing the Bill for a *National-Fishery*, all the Poor of *England*, that are able to work, may be employed; by which Means, if the Effect is removed, the Cause ceaseth; for keep the Poor employed, and then their Minds are diverted another way. And many Thousand pounds a Year will be thereby saved, that is now paid for the Relief and Support of the Poor. And as this Nation flourisheth in Fishing, it will advance the Rents, and [illegible]

☞ This Nation is infected with a Belief, that we can never make those Advantages of the Fishery as our Neighbours do; But this, with Submission, is a Grand Error; and in down right *English*, they had as good tell us, that we are not in our right Senses, either to believe them, or not to improve, encourage, and establish the *Fishery*.

For we can Fish, cure, sell cheaper, and be at the Market sooner than they, as can be made appear before this Honourable House; or else we have been very much to blame, to instruct our Nation, both in Fishing and Curing, and a nearer Neighbour is now taking the same Measures to enrich themselves, and impoverish us, by setling *Fisheries* in all convenient coasting Towns, which makes the Blessing that God hath bestowed on this Island, their Improvement, and rendreth us a useless People, by not improving those Advantages, that Providence hath bless'd us withal; and in time may prove the giving the Sword out of our own Power, into the hands of our Neighbours, if not speedily prevented.

And since there is an incumbent Necessity, for the Defence and Security of the Kingdom, to have a Fleet at Sea, Summer and Winter; if they were employed in the protection of the Fishery, the World would see we did not only stand on our Guard, but were also getting of Treasure to enrich the Kingdom, and in a great measure, defray the Expence and Charge of the Men of War.

And if the *Fishery* is establish'd by Act of Parliament, the Author of this *Paper* can make it appear to this Honourable House, that he can propose Measures to save One hundred thousand pounds *per Annum* of the publick Revenue that is now paid: If he may have due Encouragement for so doing.

LONDON: Printed for *F. Coggan* in the *Inner-Temple-Lane*, and sold by *J. Nutt* near Stationers-Hall. 1699. Price 2d.

THE HUE and CRY AFTER FATHER PETERS,

By the Deſerted

Roman Catholicks.

O Yes! O yes! O yes! Whereas an Ill-natur'd, Falſe-hearted, Self-minded, Inſinuating *JESUIT* has lately withdrawn from the *Engliſh*-Court (God knows whither!) Theſe are to give Notice, That if any manner of Perſon, Man, Woman, or Child, *Chriſtian* or *Pagan*, *Heretick* or *Recuſant*, can give any Tidings of the ſaid Father, (ſo that he be brought back Alive, to receive the juſt Rewards of his Covetouſneſs and Pride) ſhall have a Thouſand Pounds Reward. You will think a Thouſand Pound a great Summ, and too great for us to perform, being now again Poor, and reduc'd to our former Exigencies: But alas! 'Tis nothing in reſpect of the purchaſe. Do but catch Him, you will find his Breeches well Lin'd, beyond what Nature ſent him; this being hardly the hundredth part of what he has unjuſtly Purloyn'd here. If this will not encourage you, but you have more delight in the Pleaſures of the Fleſh, than in the Mammon of Unrighteouſneſs, you ſhall have a Brace of his Caſt-Miſſes, who now Starve for want of his Weekly Charity, which he receiv'd for the ſupply of the Poor, but more devoutly beſtow'd it that way. If this will not do, we will give you an Abſolution for all the Sins you ſhall commit; you, and all your Poſterity, for a Thouſand Years to come.

But that you may not miſtake, either in the Perſon or Character, I will deſcribe him in his proper Colours, which are as changeable as his Allegiance.

This Father of Deceit, This greedy Miſer, (contrary to the Principles of a good Chriſtian, Luſting more after the Fleſh, than after the Spirit; and yet more after the Mammon of Ungodlineſs, than after the Fleſh) chang'd, like the *Camelion*,

to the prevailing Colours; and (like a Lobster ſtew'd in his own Sweat) turn'd, in a Moment, from Black to Red. And now, you will find the Holy Father of the *Word*, transform'd to a Bully of the *Sword*; the follower of *Jeſus*, to an imitator of *Judas*; who betray'd his Lord and Maſter from the beginning, in the Diſguiſe of a Saint.

This Impoſtor of his Holy Order, This Shame to his Profeſſion, and Scandal to all *Roman Catholicks*, (a Turn-coat to his Loyalty, as well as his Function) you will find him in the Habit of a Soldier; his black Gown converted into a ſcarlet Cloak; his Holy Veſt into an Embroider'd Coat; and his Canonical Girdle into a glittering Gring'd Scarf; his preciſe Band into a Damme Crevat; his old Cordebac into a Beaver and Feather; His Beads of Pearl into ſo many Piſtols; and his Golden Crucifix into Guineys.

In this Heroick Equipage (they ſay) he is gone into *France*, with a Young Peer of *England* in his Company; making towards *Paris*, to ſee if he can make as good an Hand of it at the *Gallick* Court as in *England*.

Beſides this Metamorphoſis of Canonical Black, into Military Red, the Word unto a Sword, and Sable Hatt-band into a Scarlet Feather (which is now become the Helmet and Breaſt Plate of the Militant Clergy,) there are other many viſible and particular Marks and Tokens, like *Cain*, put upon him by an Eternal Stamp, to diſtinguiſh him from all Mankind.

He is long Viſag'd, lank black Hair of his own, (but now in a Flaxen Perriwigg;) Tall and Slender, Fawning Looks, Flattering Smiles, a Falſe Heart, deceitful Tongue, *Gorgon's* Eyes, who turns all things into ſenceleſs Stones, that behold him; and *Harpſy's* Claws, that never yet let go any Prey he could get into his Pallens. Very Loyal, but very Unſtable; very Devout, but very Treacherous; and Covetous beyond the Roman *Domitian*. He is about the Age of Sixty; but as Wanton as at Thirty: More ſubject to Luſt than Loyalty; and, like *Tarquin*, more ſubject to Lucre than either.

Would you go in Purſuit of this Prodigy in Nature, this Fomenter of all our Troubles, this Incendiary, who has kindled the Fire, and left us behind to put out the Flame; Expect not him now to find Napping in a Chair, nor with any formidable Equipage of Foot-men; neither as an Embaſſadour, that Enters a Town, and has for the Grandeur of his State, his Golden Chariots Guarded on every ſide: But rather ſearch him in ſome ſecret Convent, amongſt the Zealous *Nuns*, or amongſt the Stews in *Paris*; for to his own Cloyſters he dare not Return.

If ſuch an one you find Booted and Spur'd, pull of his Boots, for fear of a Cloven Foot; for the Devil (they ſay in *France*) wares *Jacque Boots*, and Red Shaſhoons; and they are ſo like in Travelling, that ſhould you miſtake one for 'tother, we are in worſe Pickle than before; not knowing which of the two has done the moſt Miſchief: But, of the two, bring back the Father, who hath been the Author of all our Impending Troubles; that he may, by his ſufferings, Attone for the Miſchiefs he has done, by delivering him over a juſt Sacrifice to the Fury of the People, and the Roaring of the *Belzick Lyon*. Thus deliver him into our Hands, and we will Engage to Pay you the Reward which (by ſo Meritorious an Act) you have moſt juſtly deſerv'd.

LONDON, Printed for *W. R.* in the Year 1688.

A LETTER FROM A Gentleman in Flanders TO A LORD in the PARLIAMENT.

NO Motives leſs forceable than the love of my Country, and your Service, could have prevailed upon me to have given you this Trouble. And firſt I ſhall acquaint you what News we have in this part of the World. The King of *France* has reſolved to ſend with all Expedition Ten thouſand Men into *Ireland*, and an Agreemcnt made with the Turkiſh Privateers to have *Breſt* and the Ports of *Ireland* for their Harbors; but what is moſt conſiderable, the new Pope has declared himſelf in Favour of the King of *England*, and a general Peace: The whole of this is probable, the firſt part certain.

Now all I beg from your Lordſhip is to lay aſide all Paſſion, Diſſatisfaction and Revenge, and give but Time to your ready Wit to think, What *England* was in *November* laſt; What it is now; and, What it is like to be.

In *November* laſt, we had a King who had an indubitable Right to the Crown, and Malice cannot deny him theſe Qualities; He is a Prince Frugal, Brave, and Merciful even to a Fault; A Kingdom wealthy, (for I heard it affirmed by knowing Bankers, That there was more Money in *London* than in *Amſterdam*, *Paris* and *Conſtantinople*) a Trade the greateſt that ever our Kingdom had; a Revenue great, and raiſed only upon our Superfluities; with an Univerſal Peace with the whole World.

Now ſee what we are at preſent; we have an Uſurper upon the Throne, engaged in a War with *France*, *Ireland*, and *Scotland*; our Trade ruined; our Revenue changed from Cuſtoms to Poll-Bills, and Land-Taxes; with the Addition of Free-Quarter, and that in Private Houſes.

Now let us ſee what hopes we have of ſeeing *England* free from this Miſery.

I remember a moſt excellent and true Maxime I learned from your Lordſhip, *That to alter the Succeſſion of the Crown was to entail a War upon the Kingdom.* And the Truth of this we ſaw verified in the Wars betwixt *York* and *Lancaſter*, and in our late Uſurpations; and until the indubitable Heir of the Crown was reſtored, *England* ſtill continued in a ſtate of War, though the Uſurper had then *France* to his Friend.

Is this the preſent ſtate of *England*? Let every Landed and Trading Man conſider then, that we are engaged in War; and War muſt be maintained, or Souldiers will maintain themſelves, which is worſe. But the great Query is, How all theſe Wars muſt be maintained? The Reſolution is eaſie; they muſt be maintained by Land, or Trade: For Trade, that is already gone, and once loſt is hardly retrieved; and the Cuſtoms which afforded a Million of Money the laſt Year, will the next hardly defray the Officers Salaries. For Land, it is already charged with Seventy thouſand Pound *per Menſem*, which by a tolerable Calculate is a Twentieth part of the clear yearly Revenue of the Kingdom; concurring to this 1 *s. per l.* upon all Land, there is another Twentieth part; and the like upon perſonal Eſtates: So that he who hath 600 *l.* a Year muſt allow a Hundred for meer Taxes. Were this all, it were ſupportable; but the Country-man muſt pay his Rent out of Wooll, Corn, and Cattle; Wooll which gave 8 *l.* a Stone, will not now give 4. Corn and Cattle ſell at the ſame Rate proportionably; then the Farmer can pay but half Rent: So here 600 *l.* is reduced to 250. And I believe many would be glad to have well payed them 250 *l.* neat Money, for 600 *l.* a Year Land.

Another Conſideration no leſs melancholy than this is, our Trade gone; this needs no Proof, every Man doth both ſee and feel it; and no Trade no Sea-men, no Sea-men no Navy, no Navy no Wooden Walls; and then our Iſland is more eaſily Conquered than if it were upon the Continent. And ſure it is worth a Thought to think, What muſt become of all thoſe Sea-men, Dray-men, Porters, and Forty other ſort of Mechanick Trades, whoſe Livelihood and Subſiſtance depended upon Trade: They muſt and will live, and *Maſianello* like will take it without diſtinction from thoſe that have it.

Nor can any reaſonable Man imagine, that a King turn'd out of Three Kingdoms will leave any Stone unturn'd for his Reſtauration, but will rather come with Force as a Conqueror than not at all. And the thing will not look difficult to him that doth but conſider how the Diſcontents increaſe in *England*; and as their Neceſſities grow, ſo will their Hatred to the Government, and accelerate their diſpair of ever ſeeing either Peace, or Plenty, without ſeeing their lawful King ſeated upon his Throne. Freſh and great Supplies are now preſs'd for, and that ſpeedily; which though granted, can never be raiſed; for no Revenue can ſtand long when Money does not circulate: And it's now obvious to Men of the meaneſt capacity, that the Kingdom of great *Britain* can never be happy, until they ſee his Majeſty in *White-hall*.

Now, my Lord, I beg for your own ſake, the ſake of your Country, and all that can be called Good, Pious and Juſt, to conſider theſe weak Notions I have offered to you, and improve them by that excellent Wit, eloquent Tongue, and diſcerning Judgment, Gifts given you from Heaven; and if not employed to this good End, expect a Judgment for miſapplying ſuch Faculties. But boldly communicate your Thoughts both to Lords and Commons, that as they tender the happineſs of Themſelves, or Poſterity, they reſtore his Majeſty, who will deny nothing for their Good, and conſiſtent with his own Security.

The Author, I think, you cannot gueſs at; but if you ſhould, conceal him: For it's one that deſires to live to ſerve you, and queſtion not his Power of doing it.

FINIS.

16[illegible] 1690. This paper was taken among all the papers & [illegible]

A

Brief Narrative of the Proceedings of *W. Penn.*

K. Penn (William) Founder of Pennsylvania &c. A°

AT the firſt Arrival of our Proprietor and Governour, we all waited upon him by way of Complement; he was pleas'd to expreſs his Thanks and well liking of it, telling us withal, That it ſhould be his chiefeſt Care and Endeavour to Redreſs all Grievances, to reconcile all Contending Parties, to ſecure every Man's Eſtate, to adminiſter Juſtice impartially, without Favour or Affection, in relation to Opinions, and to make in the end every thing as even as his two Eyes; together with excellent Promiſes, and many Words.

Purſuant to an Order from the Court of *England*, he degraded the late Nominal Lieutenant Governour *Markham*, *David Lloyd* Clerk and Attorney-General, and one *Anthony Morris* Chief Juſtice of their Offices for Male-Adminiſtration. Theſe Invaders of our Eſtates, Liberties and Properties, being removed from their High Places, we thought our ſelves in a fair way of enjoying our own with Freedom, Peace and Safety.

When Time came to elect for the Aſſembly and Council, the Truth and the Light of our Proprietor began to be viſible, by making his perſonal Appearance at the place of Election; by his exhorting the People, above all things, to be ſure of Electing none but ſuch as were Friends to the Government lodged in him; by aſſerting that no Perſon was qualified either to Elect or be Elected that would ſwear, which is an ambiguous word, and by diminiſhing the number of Church-men, telling the Mobb, that they could not be above a Dozen or two at the moſt (tho at the ſame time there was near three hundred Votes for one of our Church-Wardens) by theſe and the like Inſinuations, he procured Creatures of his own ſtamp and kidney to be Elected.

At the ſitting of the Aſſembly, our Governour and Proprietor moved vehemently to have a very large Sum of Money (by way of Gift) for him; ſolemnly urging to the Members the Juſtice of the thing, ſince it had coſt him near twenty thouſand pounds in *England* to defend the Government (for their ſakes) againſt the ſcurrilous Letters of the Malecontents in the Province. At length, after a long Debate and much Time ſpent, (by his cunning Inſinuation) he prevailed ſo far upon the Aſſembly. as to have the Charter, which he had formerly granted, ſurrender'd unto him, and thereby became Abſolute, without any Limitation or Reſtraint; and upon many Prayers, Preachings and Expoſtulations (according to his way) an Impoſt was laid upon *Wine*, *Beer*, *&c.* for two years, amounting to ſomething better than 1000 *l. per annum*, ſolely for his own private Uſe.

When the Aſſembly broke up, he declared it was his Mind, Will and Pleaſure, to let ſome of the Church-men have a ſhare with him in their Government, and accordingly, with many fair Intreaties, and ſmooth Endearments, he ſeduced three of our Veſtry (with much Reluctancy) to accept of his Offer, and having given his *Dedimus Poteſtatem* unto the Secretary of the Province to ſwear them, according to Law; they were pack'd in his Commiſſion amongſt ſix ſtrong *Foxonian Quakers*, one *Swede*, and a *Sweet Singer of Iſrael*, to ſerve as Juſtices for the City and County of *Philadelphia*.

But the Event plainly demonſtrated the Deſign and Intrigue of making theſe three Men Juſtices; for at the Quarter-Seſſions, the Court being opened, the firſt Perſon that was required to give his Evidence, demanded an Oath to be adminiſtred unto him, and not an Atteſt, that he might have the greater Tye and Obligation to ſpeak Truth, eſpecially ſince the Atteſt had been for ſome time ſo horribly abuſed in that Province: the Churchmen replied to this Effect, That his Demand was juſt and reaſonable, and that they did ſuppoſe themſelves to be ſworn and authorized to ſit there, to the end that an Oath might be adminiſtred unto thoſe who were no Quakers, and were willling to take one; but the ſix Quakers immediately put a ſtop to the Proceedings, declaring that they neither would nor could in Conſcience ſit in that Court where was Swearing, and therefore one Party muſt withdraw. The Neceſſity of Oaths was again urged to them, ſince now near two parts in three, throughout the Province, were no Quakers; and howſoever an Atteſt might be binding upon ſome Quakers, yet (by many ſad Inſtances) it was very plain and obvious,

That the Generality of them had little or no regard for what they ſpake when only Atteſted.

Moreover, that the Equity of the Cauſe required the ſame Liberty for Men of other Perſuaſions, beſides Quakers, to give their Evidence according to their own Way and Profeſſion, but nothing would do, nor no Arguments (tho never ſo rational) prevail, they were reſolved that no Oath ſhould be adminiſter'd in the Province.

The Church-men, willing to condeſcend to any thing for Peace (with regard to their Oaths) propoſed the TEST preſcribed by Act of Parliament in *England* for Quakers, to be tender'd to them; but that was alſo rejected, becauſe the Name of God was inſerted, and therefore look'd upon as abominable as Book Oaths; beſides their Argument extended ſo far as the Rejection of Acts of Parliament made in *England*, wherein the Plantations in *America* were not particularly ſpecified; inſiſting upon their own Power to make Laws ſufficient for Government here, and accordingly they had a Law in the Province impowering them to give Evidence, by promiſing to ſpeak the Truth, without the Name of God.

Our Governour outwardly endeavoured to promote a Union and a Reconciling of this unhappy Difference; Remonſtrating that from his Cradle no Misfortune grieved him ſo much as this Quarrel among his Miniſters; and that for his part he had taken the Atteſt preſcribed by Act of Parliament in *England*, and ſhould be ready, upon occaſion to take it again; and furthermore, urged to his own People, That they might ſit upon the Bench whilſt an Oath was given, and not be concerned with it; but the Quakers being obſtinate, and deaf to his Charms, the Scene was preſently changed, by making his perſonal Appearance in the Court, laying the whole Blame upon the Church-men, charging them with raiſing a Flame in the Province, inſomuch that he muſt be conſtrained to ride up and down the Countrey, and ſhew his Letters Patents, to ſatisfie the People of his Authority; and furthermore, charged them with Breach of Truſt, for not leaving the Court privately, that his own People might manage their Affairs after their own way. After a long Harangue, of this Nature, he at length commands one *Edward Shippen* (Chief Juſtice and principal Stickler againſt Swearing) to pull the Commiſſion out of his pocket, which he had before given him, and then, with a high and mighty Geſture, he ſuddenly declared, That he was a Palatinate, and therefore would exert his Authority; That his Commiſſion ſhould go no more a begging, but that they ſhould Know that his Power was far greater than any of the King's Governours in *America*; adding afterwards, That the King had given this Province to him and his People, that they might be free from Oaths, and if his Majeſty ſhould impoſe Oaths upon him and his People, he might charge him with the Breach of Faith.

In this new Commiſſion the ſix *Quakers*, the *Swede*, and the *Sweet Singer of Iſrael* were continued, but the three *Church-men* were caſt out. That this was a premeditated Deſign is plain, from the Commiſſion given before-hand to the principal Oppoſer of Oaths and the Parliamentary Teſt. Beſides, it's well known that Oaths have been all along adminiſtred in the ſame Court, and before the ſame Men, by other Juſtices qualified, ever ſince it has been a Government; and as for the Teſt, preſcribed by Act of Parliament, it was always made uſe of, till of late, by the Quakers themſelves.

The TRUTH and Subſtance of the Matter is this;

Theſe three Men (being Men of Subſtance and Reputation in the Province) were deſigned, if they would have comply'd with their Frantick Humours. to be made Tools of, and under the Sanction of their Names to have acted as many Villainies as they have formerly done; but if not, to be ſpew'd out, as Perſons not fit to carry on their Intrigues and Intereſt.

The Noble Principles of our Religion teach us not to reſent ſuch Affronts, but it grieves us at this time, that all the *Church of England Men* ſhould be ſtigmatized with the grim and horrid Titles of Treacherous and Perfidious Fellows, Diſſenters and Schiſmaticks from the Eſtabliſh'd Religion, which is *Quakeriſm*; Intruders and Invaders in the Province: and above all, that our Proprietor and Governour is reſolved, and will be *Aut Cæſar aut Nullus.*

LONDON: Printed for *J. Nutt*, near *Stationers-Hall*. 1701.

An ANSWER to a late printed Paper, Intituled, The *Caſe* of the Creditors of Sir *Robert Vyner*, who have complyed with his *Propoſals*.

THat Paper mentions Propoſals made and Signed by the greater part of Sir Robert Vyner's *Creditors and that the performance thereof was hindred by the Obſtinacy of ſome few of the Creditors, and that the Conforming Creditors were in hopes to have the benefit of a Bill which was paſſing, and ſo to oblige the reſt; But the Diſſenting Creditors had prevailed upon the Committee, to inſert a Proviſo, excluding Sir* Robert Vyner's, *Concerns, and unleſs that Proviſo was expunged, the Eſtate would be torn to pieces, and no equal Diſtribution could be made, and that 250 of Sir* Robert Vyner's *Creditors have Subſcribed for above 60000 l. which is the greater part both of Number and Sum.*

☞ The Propoſals in 1684 were for taking 20 *l. per Cent*, and the whole Intereſt in Money and the remaining 80 *l. per Cent* by Aſſignments; and if the Debts were computed together, there will appear due at leaſt 40 *l. per Cent* for Intereſt on each Bond; ſo that the Creditors at that rate, muſt have 60 *l. per Cent.* in Money: But Sir *Robert* by his Will, and his Executor in his printed Propoſals, Dated the 1*ſt.* Day of ~~January~~ June, 1689. abſolutely diſagree from thoſe Propoſals, and mention paying but 30 *l. per Cent.* of the Principal only, which is but half ſo much in Money as thoſe Propoſals were; and by that it ſeems that thoſe Propoſals are now only made uſe of by the Executor to enſnare, and not to be performed. And it appears by the Management of the Affair, that the Executor is more concerned herein than the Subſcribing Creditors.

If the major part of Sir *Robert Vyner's* Creditors have Subſcribed? The other Creditors are not againſt their being ſatisfied accordingly, but they hope they ſhall not be thereby Concluded; and if they are but a few, the Executor may more eaſily comply with them; And Sir *Robert* and his Son being Dead, it is but reaſonable that his Eſtate both Real and perſonal ſhould be Diſcovered, (the Executor having hitherto not given in any Inventory, or anſwered any Bill in Chancery for Diſcovery thereof) and that the whole Eſtate ſhould go to pay the juſt Debts, and not to inrich the Executor, or his Accomplices; nor to be Divided amongſt ſeveral Relations, and Four Hoſpitals, according to Sir *Robert's* Will: And if thoſe Creditors who have Signed thoſe former Propoſals, Exhibit a Bill in Chancery againſt the Executor, either that thoſe Propoſals ſhould be void or performed, their buſineſs will be quickly ended without an Act of Parliament.

☞ Several of Sir *Robert Vyner's* Creditors have Judgments, and ſome have extended ſeveral Lands and Tenements of Sir *Robert's* for their Debts, and Sir *Robert* in his Will hath Ordered that the Incumbrances ſhould be firſt paid, and Sir *Robert* in his life-time did agree with ſeveral of the Creditors (who now Proſecute) for paying them their whole money; and Mr. *Edwards* (a Creditor of Sir *Robert's*) had long ſince received his Debt out of Sir *Robert's* Eſtate, if the Law had not been perverted, and his Proceedings moſt unjuſtly and barbarouſly granted by a Privy Seal from the late King *James* to *Richard Beauvoyr* Eſq; in truſt for Sir *Robert* himſelf, contrary to all Law and Juſtice, (and Mr. *Ruſſel* (another of Sir *Robert Vyner's* Creditors) had alſo long ſince received his Debt, if that Privy Seal had not prevented him; and after ſuch hard Uſuage to have the Proviſo expunged to oblige the Executor, and to injure real Creditors, is very unreaſonable.

☞ Sir *Robert* in his life-time always made Complaint of his Loſſes by the late King *Charles* the II., and his Executor revives the ſame Complaint, although there is no need; for Sir *Robert* (*Conſideratis Conſiderandis*) was a great Gainer. Sir *Robert* began his Concerns with his late Majeſty, in 1660 and Lent his late Majeſty Mony; and in the Year 1667. he had 14 Hundred Thouſand pounds in his Majeſties Hands; and he had for the moſt part 12 *per Cent* and never leſs then 10 *per Cent.* and Intereſt often caſt up and made Principal; and after this rate, before the Exchequer was ſhut up; it will appear by the Accompts ſtated from time to time, that he was at leaſt 2 Hundred Thouſand pounds Gainer before the time of ſhutting up the Exchequer; and Sir *Robert* being fearful of a proſecution for his extorting Uſury, did in *September* 1672 procure his Pardon for Uſury.

☞ The Exchequer was ſhut up in *December* 1671. and Sir *Robert's* Accompts were ſtated and made up to the 1*ſt.* of *January* 1676 (being 5 Years after) and Sir *Robert* had Privy Seals for Gratuities and Rewards, and for keeping Money in readineſs, and ſuch like Contrivances, inſerted in that Accompt, which amount to above 100000 *l.* clear Gains, as will appear by that Accompt, which is now in the hands of Mr. *Aldworth*: And ſome of the Creditors did in Sir *Robirt Vyner's* life-time, after they had peruſed that Accompt, Petition the then Lords of the Treaſury for a Copy thereof, which the Lords were pleaſed to Grant, and it was Copyed by Mr. *Aldworth*; But before the Creditors could obtain the Copy, Sir *Robert* got an Order privately to hinder the ſame.

☞ That Accompt with the aforeſaid Gains inſerted, amuonted to 416724 *l.* 13 *s.* 1 *d.* halfpenny: And Sir *Robert* in his life time Aſſigned all that (except 60000 *l.* and the Intereſt thereof from *Lady-Day* 1683.) to his Creditors for full value, and took up his Bonds; ſo that he hath already aſſign'd Forty Thouſand pounds more than he had in the Exchequer when the Exchequer was ſhut up; & now according to their own Paper, as many Creditors have Signed to take 80 *l. per Cent* by Aſſignments, to the value of 60000 *l.* which will almoſt clear the remainder; and Sir *Robert* was always more behind with his Creditors for Intereſt than the Exchequer was with him, whereby his Gains are clear without loſs.

Whither (theſe things being Conſidered) Sir Robert Vyner's *Concerns, ought not to be Excepted out of the Bankrupts Bill, is humbly offered.*

FOR THE

ENCOURAGEMENT

OF THE

Woollen Manufacture

OF

ENGLAND.

WHEREAS, Till within few Years laſt paſt, there hath been a very great Conſumption of *Wool* uſed in making of Set-work Cuſhions for Chairs, Couches, Carpets called Turky-work made in *York-ſhire*; Great quantities of Cloth Serges, Perpetuanoes, Kerſeys, Camblets, Norwich Chenys, Bays, Kidderminſter prints, Says and Cottons, and all other Commodities of the Woollen Manufacture: As alſo many Bales of Silk wrought up into Fringes for Chairs, and divers bales of *Ruſſia* Leather wrought up into Chairs, which is the product of our Cloth from *Turkey* and *Ruſſia*, whereby many Thouſand Families have been Employed and maintained. All which Manufactures have been generally laid aſide and little made uſe of, to the ruine of many Families.

It is therefore Humbly Prayed that this Honourable Houſe will according to their great Wiſdom provide, That all Couches *and* Squobs *under the value of four pounds, and all Chairs and Stools under the value of Twenty ſhillings a piece,* (except *ſuch as are made of* Leather) *may not be Backt, Bottomed, Covered, Caſed, or made with any thing but what is of the Woollen Manufacture or the Growth of* England.

The CASE *of Mr.* WILLIAM COOKE, *&c.*

SIR *Edward Maſcy* being dead, a Writ iſſued for a new Election. The ſaid *William Cooke*, and Col. *Henry Norwood* ſtood in Competition *April* 19. 1675. Four indifferent Gentlemen were choſen, who by mutual Conſent were to methodize and order the proceeding at the Election, which was to enſue the day following.

April 20*th.* 1675. Being the day of Election; the County Court was call'd, and the Writ ready, as alſo the agreement of the perſons aforeſaid, the appointed Managers of the Election, which Mr. *Cooke* ſubmitted to; but Col. *Norwood*, and the elder Sheriff refuſed to conform to them, but proceeded in a diſorderly manner to a Poll, which occaſioned ſo great a confuſion, that Sir *Robert Atkins*, and ſome other Gentlemen interpoſed; and then a more regular way of proceeding being agreed upon, that Mr. *Cooke* ſhould Poll 5, and then Col. *Norwood* 5, and ſo to continue till one ſide ſhould Poll out all their whole number; which continued till about 11 of the Clock, when Col. *Norwood* having no more ready to be Poll'd, intimation being given thereof to the ſaid elder Sheriff, he abruptly roſe, without making any Proclamation; and being followed by Col. *Norwood* and his Friends, remov'd into the Colledge Church-yard.

The Mayor, the younger Sheriff, Mr. *Cooke* and his party continuing in the Court, Poll'd on according to the agreement, till Mr. *Cooke* having Poll'd above 50 more than Col. *Norwood*: All then concluded the Election over, the reſt of Mr. *Cooks* Voices departed, and went about their own private concerns.

About 12. of the Clock, the elder Sheriff, and Col. *Norwood* return'd to the Court, and proceeded to Poll again, with a croud of people after him, and without regularity, Poll'd ſome who had no Voices, ſome who had been Poll'd before; At which, Mr. *Cooke* took exceptions on the place; But the elder Sheriff refuſed that he would adjourn to the Election-chamber, alledging, he was much tired and ſpent, and there he would hear all exceptions, and examine the Liſt e're he clos'd it, and made his Return.

About 1 a Clock the Court adjourned to meet at the Election-chamber at 3, in order to the clearing the Poll.

According to the Sheriffs own appointment, Mr. *Cooke* and his friends met at the Election-chamber, where, after half an hours ſtay, the ſaid Sheriff, and Col. *Norwood*, &c. came, where ſome of Mr. *Cooks* Voices hearing Col. *Norwood* had Poll'd after they had left the Court, then crav'd the Poll, and were not admitted, though they had a right to Elect beyond all exceptions.

Mr. *Cooke* then offered ſeveral exceptions againſt Col. *Norwords* Poll; but was poſitively refus'd by the ſaid Sheriff (though that meeting was by his own appointment for that purpoſe,) ſaying; That he was reſolved to Seal Col. *Norwoods* Indentures, and return him, and then let Mr. *Cooke* make his exceptions at his leaſure.

And in purſuance of that reſolution, he made a Declaration of Col. *Norwoods* Election, and ſealed the Indenture accordingly.

Though Mr. *Cooke* can make it appear, that ſeveral of his Voices were obtained by Threats and Menaces, ſeveral by Bribery, ſeveral twice, nay ſome thrice poll'd, and few ſuch as paid to Church and Poor,

Beneath a shady willow near
A River purling Streames
Astrea Carles of her sheep
with folded Armes Crystal a Lake
present with golden Evans
for working faculties nymphes
neat Browny Coats, Dorys
on all sides smile & sighs & Shepherds Ayre
thinking her much Coud Coldon was here

But at his sheeping Lambes made
Ley wraps in Silent Joys
possessing all that can be thought
in potted sence & happy thoughts
her swaine came sticking by
to surge of such Rapting ells
awaked her with a kiss
as sheeping rose & prayd unhappy wretch
Ah Coldon now thou art come to late

Roberts's CASE *against* Mellish, *upon dismission of his Appeal, without entring upon the Merits of the Cause, To be Humbly Presented to the Lords in Parliament.*

IT being Decreed that *Roger Williams*, deceas'd, should pay one *Mellish* 282 *l.* 14 *s.* 5 *d.* and 149 *l.* Costs of Suit; whereas instead thereof, *Mellish* ought to have been Decreed to pay *Williams*, 481 *l.* Upon Hearing of *Roberts*'s Appeal from that Decree, *Mellish*'s Counsel alledg'd the Decree Appeal'd from, was a Decree by Consent, and Consented to by Mr. *Williams*, Brother and Council for the said *Roger Williams*: whereupon the Appeal was dismissed without Hearing the Merits of the Cause. Afterwards, finding that *Mellish* by his Answer to the Appeal, had not insisted upon any such Consent. *Roberts*'s Counsel thought it not practicable, to admit any thing at the Hearing of an Appeal, in Barr to the Appeal that was not insisted upon by the pleading Precedent to the Hearing, and therefore *inter alia*, *Roberts* prayed a Re-hearing upon the single point of Consent, or not Consent, which was ordered accordingly; yet notwithstanding what was then offered by *Williams*'s Counsel, the Petition for the Re-hearing was dismiss'd, without entring into the merits of the Cause; and *Roberts* ordered to pay 20 *l.* Costs, which he hath since paid. Since which Rehearing, the proceedings upon and before the Decree have been found, which is hop'd may make it evident there was no Consent to the Decree but an offer to Perform long after the Decree was made, to prevent going to Gaol, which Proceedings are as followeth;

On the 17th of *January*, 1681, the Decree Appeal'd from was pronounc'd, at which time, and before the Hearing, the Court was made acquainted, that Sir *Robert Sawyer*, then Attorney General, and the said *Roger Williams*'s Principal Council was absent; and therefore it was prayed, that the Cause might be put off but for one day, which was denied.

In few days after, a Petition Signed by Council, for a Re-hearing, was presented to the Lord Chancellor, but Rejected, as by Affidavit soon after Fil'd in *Chancery*, appears.

Afterwards, the 282 *l.* 14 *s.* 5 *d.* Decreed, was demanded of *Roger Williams*, and he refused to pay it, and therefore was taken upon an Attachment, and after that he had appear'd upon the Attachment, it was refer'd to a Master in *Chancery* to examine, if the said *Roger Williams* were in Contempt; and on the 13th of *July* 1682, the Master reported him in Contempt.

After which, *Williams* took exceptions to that Report of the Contempt, for that amongst other irregularities, there were not 15 Days between the Teste and Return of the Attachment upon which *Williams* was taken; which Exceptions came to Hearing the 17th of *October* 1682. Yet the Court Over-rul'd the Exceptions, so that according to the course of the *Chancery*, the next Remove for *Williams* was to Goale, or Comply with the Court: Whereupon *Williams*'s Council pray'd some time for payment of the Money Decreed, and offer'd to pay it within a Month after the Costs should be Tax'd. And on the same day, a Cause upon a Bill of the said *Roger Williams* against *Mellish*, praying a new Trial in a Cause wherein *Mellish*, obtain'd Judgment against *Williams* for 230 *l.* upon a Verdict against all the Evidence in the Cause, came to be heard: and the Court being of Opinion it could grant no new Trial, dismiss'd the Bill, and *Mellish*'s Council pressing for Costs, upon that dismission, and urging, by way of aggravation, that *Williams* had stood in Contempt to the Decree: The Court Declared, That in regard the said *Williams*'s Counsel had offerd to pay the Money decreed, as aforesaid, he should pay no Costs upon the Dismission, if the Money were paid according to the offer; and the Money was paid within a short time after the time it was promis'd to be paid, and leave given that day it was paid, to bring in a Bill of Review; So that the said *Roger Williams* was brought under a necessity of going to Gaol, or complying with the Court, before the offer of paying the Money Decreed, was made:

Upon all which, the said Roberts *Humbly prays your Lordships further Consideration, whether such an Offer at such a time, ought to be a Barr to an Appeal.*

An ABSTRACT of the Articles of Agreement between the Creditors of Sir Robert Vyner *and* Thomas Vyner *Esq; his Executor.*

It is agreed between the said Parties,

I. THAT they shall use their best endeavours to obtain an Act of Parliament for vesting all the Estate of the said Sir *Robert Vyner* in the Trustees appointed by the Creditors, to enable the said Trustees to sell the same to the utmost Value, and to pay the Monies raised thereby to the said Creditors proportionably to their Debts; And to enable such of the Creditors as are Infants, or Trustees, or Executors, to receive the same and charges.

II. And that the said *Thomas Vyner* within six Weeks next after the passing of such Act of Parliament, shall discover; and within three Months after such Discovery, shall assign to the said Trustees on the behalf of the said Creditors, all the Estate Real and Personal of the said Sir *Robert Vyner*, In Trust, That the said Trustees shall with all convenient speed sell the same for the best Prices they can get, and out of the Money thereby raised, pay unto every of the said Creditors thirty pounds *per Cent.* of every hundred pounds of their respective principal Debts. And after the said thirty *per Cent.* paid to the said Creditors, the said Trustees shall pay seven thousand pounds to the said *Thomas Vyner* for his Care and Pains in the said Discovery and Assignment, and other Services which he is obliged from time to time to do the said Creditors, and his constant attendance on this Affair till it be finished.

III. And that after the said 30 *l. per Cent.* is paid to the said Creditors, and the said 7000 *l.* to the said *Thomas Vyner*, the said Trustees shall pay all the residue of the Mony that can be raised out of the Estate of the said Sir *Robert Vyner* in the space of eighteen Months after the passing the said Act of Parliament, unto and amongst all the said Creditors of the said Sir *Robert Vyner*, (among whom the said *Thomas Vyner* is to be admitted as a Creditor for 3000 *l.*) in proportion according to every of their respective principal Debts, as often as the residue of the Mony which shall be so raised, shall be sufficient to pay to every of the said Creditors the further Sum of five pounds *per Cent.*

IV. And that after the said eighteen Months, the said Trustees shall assign to the said respective Creditors such parts of the remainder of the Estate of the said Sir *Robert Vyner* as they shall elect, as shall be sufficient to satisfie their whole remaining Debts and Interest.

V. And the said *Thomas Vyner* doth Covenant, *&c.* That the whole Estate of the said Sir *Robert*, which he is to discover and assign to the said Trustees, shall be sufficient to pay and satisfie all the said Creditors, all their said respective Debts and Interest.

VI. And that if the said *Thomas Vyner*, or any Person by his direction, or with his privity shall conceal any part or parts of the Estate of the said Sir *Robert Vyner*, exceeding in the whole 500 *l.* that then the said *Thomas Vyner* shall lose and forfeit the said Sums of 7000 and 3000 *l.* and the same shall be divided among the said Creditors, proportionably to their Debts and Interest.

VII. And that if (after the Creditors have accepted Assignments on several Estates and Debts of the said Sir *Robert*, in satisfaction of all the Debts and Interest) any Estate of the said Sir *Robert Vyner* shall be discovered, which was not discovered or assigned by the said *Thomas Vyner* to the said Trustees; All or any of the said Creditors notwithstanding they have given Discharges, shall be at liberty to have their proportions of the said Estate after discovered towards satisfaction of so much of their Debts or Interest as they have not received in ready Mony.

VIII. And it is provided, That if such Act of Parliament be not passed before the 17 of *March*; which shall be in the Year of our Lord 1691. That then these Articles of Agreement, and all Things therein contained shall be void and of none effect.

The Trustees Names,

Sir *John Moore*, Sir *Thomas Meres*, *Andrew Lant* Esq; *Tho. Langham* Esq; *John Creed* Esq; *Daniel Sheldon* Esq; *Philip Brydall* Esq; Mr. *Arnold Squibb*, Mr. *Bernard* Eales, *Charles Bonython* Esq; *Joseph Hornby* Esq; *Richard Morley* Esq.

Dated the 17*th* day of *March*, 1689.

The CASE *of the Company of* VINTNERS, *and other Retaylors of Wines.*

THE Vintner or Retaylor cannot carry on his Trade without having two years Stock upon his Hands, for that few Perſons will drink *French* Wines till it hath been Ten Months Imported.

The Stock now in the ſeveral Retaylors Hands is at leaſt 30000 Tuns though leſs Imported this Year than in any one Year within this five Years, above two thirds whereof was Imported at leaſt Twelve Months ſince before any thoughts of a War with *France*.

The whole Stock upon a moderate Computation does lye the Retaylors in Twelve Pence the Quart one with another, there being Four Pence a Quart paid to the King for his Duty.

The Retaylors Charge of Lees, Leakage, Cellerage, Houſe-Rent, Servants Wages, &c. was ever look'd upon to be ſo great that he was always allowed to ſell at a third peny more then the Wines coſt him from the Merchant.

That ſhould a Clauſe now be added to the Bill for prohibiting of *French* Commodities to enjoyn the Retaylors to ſell the Stock of Wines now in their Hands at Twelve Pence the Quart (the Price they coſt) for the firſt Year, and afterwards at Six Pence the Quart (being half the price they coſt) it will ruine and deſtroy many hundred Families who now do contribute conſiderably towards the ſupport of the Government by paying of Taxes, Quartering of Soldiers, &c.

And if the Retaylors be ruined, the Kings Revenue will be extreamly prejudiced, for all the Retaylors in *England* and *Wales* except the Free *Vintners* of *London*, do draw by Licenſe from the Crown at an Annual Rent, but will not be able to pay the ſame in Caſe they be conſtrained to ſell their Goods for leſs than they coſt, and ſo that part of the Revenue will be in great part loſt.

All that is deſired, is, That the Parliament would be pleaſed to Grant the Retaylors a Convenient time to diſpoſe of their Stocks at a Moderate Gain, which they Humbly Conceive will no ways promote or advance the *French* Intereſt.

A LETTER Concerning the COIN.

SIR,

OUR Silver Coin in *England* being ſo very bad, and growing every day worſe, it is high time by Recoining of it to recover it to its former goodneſs and value, which I hope to make appear is not ſo difficult a thing as ſome Perſons believe it to be.

In the firſt place, as to *Guineas*, I humbly conceive the beſt way will be to ſettle them by Act of Parliament to paſs Current at thirty Shillings for one year, from the date of the ſaid Act to the laſt day of the next Seſſion of Parliament; by which time, if the Silver Coin be ſettled, there will be better judging how to proceed further concerning them.

As to the Silver Mony, That it be Coined the ſame Weight and Goodneſs as formerly, but to be valued higher as ſhall be thought fit; And that it may be declared in the Act for Coinage how much Plate perſons of all Qualities ſhall keep in their Houſes.

That the Large Mony (ſo that the Hundred Pounds weigh Twenty Five Pounds,) Together with all ſuperfluous Plate be brought in at the day, and to ſuch Places as the Commiſſioners for the Coinage ſhall appoint: the ſaid Commiſſioners to be aſſiſted by all the Commiſſioners, Aſſeſſors, and Collectors of the Land Tax, and all Civil Officers.

In order to which, that there be appointed, by the ſaid Act for Coinage, Twelve Commiſſioners for the City of *London*, and the ſame number in each County in *England* and *Wales*, to manage the Affair of the Coinage in their reſpective Counties: of which Commiſſioners His Majeſty to chuſe Six, and the Houſe of Commons Six for *London*, and each County.

That the Commiſſioners ſo appointed for *London*, and thoſe for Twenty of the next adjoyning Counties to *London*, do chuſe out one Perſon from amongſt themſelves to be of the Grand Committee for Coinage at *London*, to ſit and manage that Affair at their Office in *London*.

That the ſaid Commiſſioners, in their ſeveral Counties, ſhall receive the Plate and Mony, and ſend it to *London*, to the Grand Committee at their Office, to be Coined, and by them to be returned in Mony.

That

That if the said Commissioners are informed, or do believe that any Person hath concealed, and not brought in his Mony and Plate as he ought to have done, the said Commissioners to have power to Assess every such Person 20 *l. per Cent.* for his Large Mony, and the like for his Plate; the said Person for relief, to discharge himself by Oath.

That the Mony to be brought in to be Recoined be received by Tale, to prevent such Persons getting who have laid up great Quantities of Large Mony, and the loss of others who shall at last have the smallest Mony in their Hands: And the Plate to be received by Weight at an appointed Price.

That the Mony and Plate be received at three times, and delivered in Mony at six times, the Heavy Mony and Plate first, the best at twice. That County that sends first their Mony and Plate in, to have it first in course as fast as the Mony can be Coined: And all such Mony as shall be refused at the Office as Bad from any County, shall be Melted, and the Loss to be abated upon the whole Mony of that County, as it shall amount to by the Pound Sterling.

That the Grand Committee at *London* do give out their Orders to the Commissioners for Coinage in the several Counties, and receive from them the Mony and Plate at their Office in *London*, and cause it to be melted into Ingots, and delivered to the Mint in the Tower; and when Coined to receive the Mony and pay the same to the several Agents for the said Commissioners for Coinage in the Country.

Goldsmiths-Hall in *London* will be a very good place for the Office or Treasury for this Affair, there being convenience for the said Grand Committee to Sit, Rooms for the telling of the Mony and weighing of the Plate: and strong and safe Rooms to secure it all in; and also in the Hall and adjacent places may be made good Melting-Rooms. It lies convenient for Carriers and others who shall bring the Mony and Plate to *London*.

To be raised in

That there be a Tax laid upon three Years, to bear the Loss and Charge of Recoining the Mony. The said Tax Mony will be easily gathered and received by the said Commissioners, for the Coinage in their several Counties. The said Commissioners to be Accountable to the Grand Committee at *London*, and they to Account to the *Exchequer*, and if there be any overplus of the said Mony to pay it into the *Exchequer* for Publick Use.

I shall be ready to Answer to such Objections as are made in Writing, if by Order, and shall add such other things as shall occur to my mind that may be of Use.

December 1695.
Tho. Woods, Refiner.

MY LORDS,

YOU can't but be sensible of the *great Zeal* I have had for *King and Kingdom*, but more especially for the *Church of England*, it being the *Purest Religion* in the World, and most agreeable to the *Divine Nature*, and it was no less than GOD *Himself* that planted it by such a Miraculous Power, that it confounded the very *Angels*, changing *Humanity* into *Divinity*; and this could not be obtained without *Christ's sacrificing himself* to appease *the Wrath* of an *Angry God*, that through him *Mortals* might be capable of *a Divine Being*: Therefore all that intend to be saved by *Christ*, are obliged to yield obedience to his *Commands*: And therefore I would intreat you seriously to consider the *Mighty Occasion* that calls you hither (the like has not been known for these many *Ages*) and if *God* does not give you *Wisdom*, you will *wound* instead of *curing*, and hasten our *Ruin*; for I must needs tell you, that it is contrary to the Principles of your Religion, *To do Evil that Good may come on it*: But *God* may wink at this if you proceed no farther, because he knows that you are but Men, and that you had reason for what you did; yet if I had known of it, it should never have been done: for God is glorified by the *Faith* and *Patience* of his *Saints*, and it has been the Practice of *Christians* in all Ages to trust God, and to be willing to sacrifice their *Lives and Fortunes* for his *Truth*; and I must needs say, *My Lords*, that most of you have done so too: for if *God* had given the *King* Victory, in what a Condition would you have been, by running your selves into imminent *danger*, and disgraced your *Religion*, in not going the *Right Way*; but *God* suffered it to prosper, because the *Roman Catholicks* should not attribute their *Victory* to *the Virgin Mary*. But this must not incourage your Lordships to make *False steps*, for if *God* overturned the *King* for not walking uprightly before him, how much more will he do the *Kingdom*, if that you should prove unkind or ungrateful to the *King*? Though I would not be like the Ass to assist the Lion, and then be made a *Prey* of, nor yet the Fox that delights to see the Lion in trouble; but I would be like the *good Samaritan*, that heal'd the Wounds by pouring Oil and Wine into them. For I would have all Occasions of *Fears* and *Jealousies* to be removed on every side, which *His Majesty* might have done, if he had pleased; for I told him the *End* at the *Beginning*, but he would not believe; have a care that you are not *Unbelievers* too: for I never sought any thing but the *King* and *Kingdoms Happiness*; neither do I desire to have any greater glory in this World, than to have you *safe* and *happy*, which you all conclude will be in this *Way* which you have taken: but you will be deceived if you be not wise. Not that I would have you be ungrateful to the *Prince*, nor yet in *Slavery*; but as you are *Free-born*, you should keep your selves so: for it was his own Interest that brought him hither as well as yours, and it is but reason that he should have Right done in that *Matter*; for no body can condemn him for looking after the *Right* of his *Wife*: but all the World will highly condemn you to give, or he to receive, the *Right* of the *King*; and you must not think to go unpunished: for why should not *God* be as zealous for his *Laws*, as *Man* is for his; and so exclude you out of his *Kingdom*, as you do the *King* out of his. Besides I don't think the *Prince* has so much to say against the *King*, as the *People* supposes; but if there were, *God* can pardon them upon *repentance* and *amendment*; for he has declared, *That if your Sins be as scarlet, he'll wash you as white as Snow*. Therefore take not any thing away from the *King*, only free his *Kingdoms* from *Popery*, and let not that have any *Dominion*: And treat the *Prince* as a *Friend* and *Great Instrument* in assisting towards the Doing of this *Great Work*; and whatever *Good* you receive by *him*, restore it ten-fold in assisting *him* with your *Lives* and *Fortunes* against *France*, and I don't doubt but by *Gods Blessing*, you will *Conquer* and *Subdue it*; [and from thence to *Rome*:] for I have a great desire to see the *French King*, having *Fasted Fourteen Days that he should not Conquer us*: Therefore fear not his *Mighty Army*, for *God* will give you *Victory*, but make hast and do it; for *Gods Hand* as well as this *Kingdoms* will be against it. And in so doing, you will make the *Prince* Famous through the *World*; and *You* by your *Wisdom*, *Justice* and *Goodness*, may be Instrumental to *Convince* the *Roman Catholicks* of their *Errors*; and so in the *End* obtain a *Universal Peace*, which will be *Your Eternal Glory* not only in this *World*, but in *That to come*: Which that the *Lord* may *give* you *Wisdom* to obtain, is the *Prayer* of *Your Humble Servant*

And Souls Well-Wisher,
ELINOR JAMES.

THE

CASE

OF

Ralph Box,

K. Box (Ralph)

Citizen of *London*.

To the Right Honourable the Lords Spiritual and Temporal and Commons of England, *in Parliament Assembled*; *Humbly presented*,

THAT the said *Ralph Box*, did on the Sixth of *March*, 169⅞ Marry *Elizabeth Eyre*, Daughter of Sir *Giles Eyre* Deceas'd, and that the said *Elizabeth* did in *March* 1700 Elope from her said Husband, and did then live in Adultery with several Persons, particularly, with *Henry Wells* Esq. against whom the said *Ralph Box* did obtain a Verdict in His Majesty's Court of *Kings-Bench* at *Westminster*, in *Michaelmas* Term last.

And that the said *Ralph Box*, hath on the Fifteenth day of this present *February*, obtain'd a Definitive Sentence for a Divorce in the *Arches Court* of *Canterbury* for the said Crime; Exemplifications of both which, he the said *Ralph Box* hath ready to produce.

THEREFORE the said *Ralph Box* Humbly Hopes, that he may obtain an Act for Dissolving his Marriage and giving him leave to Marry again, whereby his Family may be upheld and his Credit supported.

THE

Glouceſterſhire

ADDRESS.

WE Your Majeſty's moſt Dutiful and Loyal Subjects, the High-Sheriff, Grand Jury, Juſtices of the Peace, and Others, the Gentlemen of the County of *Glouceſter*, Aſſembled at the Aſſizes held for the ſaid County, on the 18th Day of *March* 1709. Do gladly embrace this Opportunity of giving Your Majeſty our hearty and ſolemn Aſſurances, that we now are, and always ſhall be ready, to ſacrifice our Lives and Fortunes, and all Things dear to Us, in Defence of Your Majeſty's moſt Sacred Prerogative, Perſon and Government, the Proteſtant Succeſſion, and the Church of *England*, as by Law Eſtabliſh'd, and the Apoſtolical Doctrine and Ordinances, againſt all Republicans, Traiterous Factions and Schiſmatical Oppoſers at Home, and all open and profeſs'd Enemies Abroad.

That We in our ſeveral Capacities, to our utmoſt will endeavour to ſuppreſs all Seditious Tenets, Immoralities and Profaneneſs; and in the enſuing Parliament chuſe ſuch Repreſentatives, as are moſt Affectionately Dutiful to Your Majeſty, and moſt Religiouſly Zealous for our Holy Church, and have the tendereſt Regard for the Lives, Liberties and Eſtates of their Fellow-Subjects.

'Long may Your Majeſty Live and Reign over Us,
'the Nurſing Mother of our ſpotleſs Religion,
'the Delight and Darling of a Happy People.

LONDON:

Printed and Sold by the Bookſellers of *London* and *Weſtminſter*. 1710. *Price One Penny.*

THE CASE OF Ralph Box.

K. G., L., and P., T.

A

PROJECT,

Humbly Offered to

Both Houſes of PARLIAMENT,

For the Ready Raiſing of a MILLION.

THAT there be a known and certain Fund of 150000 *l.* a Year, ſetled by Act of Parliament, during Twenty Years, to be paid out in Annuities to the Contributors in the following manner.

That whoſoever ſhall contribute One or more Hundred Pounds, ſhall have a Tally, Entitling him to receive, during Twenty Years, the Yearly Sum of 15 *l.* for every 100 *l.* by him Contributed.

This Project is likely to bring ready Money Speedily into the Exchequer, conſidering it hath theſe following Advantages over that of laſt Year.

Firſt, Becauſe an Annuity of Fifteen Pound for Twenty Years is certainly to be preferred to Fourteen Pound a Year for Life, a Man's Life in ſuch Bargain being commonly reckoned but Seven Years.

Secondly, Becauſe this Annuity may be alienable, which the other cannot, few People being willing to Purchaſe an Annuity upon another Man's Life.

Thirdly, Becauſe the Contributors ſhall make this way at leaſt Ten *per Cent.* for their Money, and receive their Principal again; which is thus proved, twenty times Fifteen Pound is Three hundred Pound, which every Contributor ſhall receive for every Hundred Pound by him Contributed, which is his Principal and Two hundred Pound Uſe Money, and therefore Ten Pound a Year for his Intereſt, which is the leaſt he makes of it, becauſe receiving yearly part of his Principal, with the Uſe Money, there is a conſiderable Advantage in it.

Fourthly, This Project will be much leſs Chargeable to the Kingdom than that of laſt Year, this being but for Twenty Years, whereas the Duty upon Liquors is to be raiſed for 99.

Fifthly, It is likewiſe to be obſerved, that although a Fund of One hundred and Fifty thouſand Pound a Year is ſufficient to pay the Contributors Annuities, yet it will be neceſſary to make it at leaſt Twenty thouſand Pound a Year more, both for the Charges of the Officers, *&c.* and for the Incouragement of the Contributors, who will hardly be perſwaded to bring in their Money, except they are aſſured that the Crown has ſome Profit in paying them their Annuities, and that the Fund is more than ſufficient for it.

But the Nation having lately ſhewed how inclinable they were to venture in a Lottery (though thoſe made heretofore were Fortunate to few) it hath been thought fit to propoſe one, which being Profitable to all, will ingage People to bring in their Money ſo much the ſooner; as it appears by the Manner hereafter expreſſed.

That Tickets numbred from One to Twenty thouſand be given out at Fifty Pound each to make up the ſaid Million; the ſaid Tickets to be anſwered by Twenty thouſand other Tickets, who ſhall be all Prizes of a yearly Rent for Twenty Years, from Five Pound to Fifty Pound for every Ticket, or from Ten to an Hundred *per Cent. per Annum.*

As

K. G., L., and P., 7.

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As

As by this Lottery the leaſt Fortunate Ticket ſhall be of Five Pound *per* Ticket, or Ten *per Cent. per Annum*, which may ſeem too ſmall an Intereſt to ſome People, though at that Rate they will receive their Principal and Five *per Cent.* beſides; or Seven and a half if the Intereſt of that Part of the Principal that they ſhall yearly receive is reckoned.

And as ſome Perſons may rather deſire a certain and modetate Profit for the uſe of their Money, than to truſt the Chance for a greater Benefit; they ſhall (if they pleaſe) have it fixed at Fifteen Pounds *per Cent.* or leſs if the Parliament doth appoint a leſſer Intereſt; which is the ſame to the King, there being as many Tickets above Fifteen *per Cent*, as there are under. Neither will this hinder the reſt from trying their Chance, in hopes of a greated Benefit, as above ſaid.

The Tickets being drawn, and Perſons having ſome at different Intereſts fallen to them, may for greater Eaſe have them reduced into one Tally.

In Caſe the Parliament doth appoint an Intereſt at Fourteen, Thirteen, or Twelve *per Cent.* it is already caſt up in the ſame, or like Manner, as followeth.

The Diſpoſal of the ſaid Adventure at Fifteen *per Cent.* is to be thus, *viz.*

	10 Tickets of 50 *l.* apiece, at or 50 *l.* yearly, comes to	100 *per Cent.*	500 Pounds.
	20 *ditto* at	90	900
	30 *ditto* at	80	1200
	40 *ditto* at	70	1400
	50 *ditto* at	60	1500
	60 *ditto* at	50	1500
	70 *ditto* at	40	1400
7500	80 *ditto* at	35	1400
	90 *ditto* at	30	1350
	100 *ditto* at	25	1250
	350 *ditto* at	20	3500
	400 *ditto* at	19	3800
	1200 *ditto* at	18	10800
	2000 *ditto* at	17	17000
	3080 *ditto* at	16	24000
5000	*ditto* at	15	37500
	100 *ditto* at	14	700
	200 *ditto* at	13	1300
7500	1800 *ditto* at	12	10800
	2400 *ditto* at	11	13200
	3000 *ditto* at	10	15000
20000	Tickets of 50 *l.* each, comes to one Million which at 15 *per Cent.* yearly, amounts to		150000

BY

L. G. and *F. P.*

LONDON: *Printed for the Authors.* 1693.

His Majesties

MOST GRACIOUS

SPEECH

TO BOTH

HOUSES of PARLIAMENT.

My Lords, and Gentlemen,

I Am in the first Place to thank you for the Assistance you gave Me at our last Meeting: But we have a further Work upon our hands, and therefore I must acquaint you at the same time, that had your Supplies been Earlier, and Larger, we had by this been in a fairer way towards a good Peace.

As nothing is more uncertain than War, we cannot much boast of Our Advantage this Campaign, Yet besides our Signal Success at Sea, we have done Something at Land, and that too not Inconsiderable. The Duke of *Savoy* has, by Our powerful Assistance with our Troops, and Pecuniary Aids, invaded *France*, ruin'd part of His Country, and many of His Subjects; and Our selves by Fortifying *Furnes* and *Dixmuyde* have laid good Dispositions to do the same on this side the next Campaign, at least to prevent their incroaching farther upon the *Spanish Netherland*. But ye all done hitherto is lost, if we do not pursue these good Beginnings. The enabling Me to perform this rests in you. But I must tell you, That slight Preparations will not do this Work. The Peace of *Europe*, and the Security of *England*, are too precious Jewels to be purchased at *Cheap Rates*.

Our Allies do resolve to exert themselves more Vigorously the next Campaign, and it will be expected that we do the same. In pursuance of which, I shall lay before you the state of the War by Sea and Land, and propose to your most serious Consideration the Expediency of a General Act of Indemnity for the Quieting and Uniting the Minds of all Our Subjects of what Perswasion soever. This is not a Time to keep our hands idle in our Pockets, or to let our Money rust in our Coffers; but we are to let the *French* King see that *England* is superiour to him in Strength and Riches. The Courage of the *English* is fam'd throughout the World; and 'tis one part of Courage not to fear Poverty, when our Honour lies at Stake.

My Lords, and Gentlemen,

There is one Consideration more which obliges us in this Juncture to do our Utmost, and even to outdo our former Selves, which is, That unless we appear more hearty than ever, 'tis to be doubted that the *Dutch* may come to think it necessary to make Peace with our Enemies, which will quite dissolve the Confederacy, and then 'tis visible that *Our Trade will be utterly lost.*

Wherefore I request you to begin with the Raising Money in the very *first Place*, and that not *Sparingly*, and do not listen to the Suggestions of some Discontented Persons to Higgle with a King who was Chosen by your Selves, and who so frankly ventures his Life for *your Good.* The early Notion of your Zeal in this Point will *Knit the Confederacy, be a Leading Example to all our Allies, and the greatest Blow* France *ever had.*

FINIS.

REMARKS upon the Scotch Act, in a Letter to a Friend.

SIR,

TO ſatisfie you that there's ſuch a thing as a *Scotch* Act, for Granting the Trade of *India*, *Africa*, and *America*, to a Company Settled or to be Settled in *Scotland*, I ſend you the Printed Copy incloſed.

And if Reports be true, and we may believe what we hear, the Subſcription of the ſaidCompany is already perfected for the full Sum of 600000 *l.* half whereof is Subſcribed by *Engliſh* Merchants, and others. And ſome ſay, That the Deſigns of that Company are framed and carryed on here in *London*; and Ships are building and buying, and Cargoes providing here and Abroad, in order to a Vigorous carrying on of their Trade; others ſay, That the Interlopers here, are very good Friends with the Managers of the *Scotch* Company, which ſome take to be the Reaſon, why they are not heard to find fault with it; which, whether it be, that they are all one, or, that they intend to ſhelter their Interloping Ships gone to *India*, and now going thither by Licence under that Company, and ſo to come for *Scotland*, for theſe or ſome other Important Reaſons to themſelves beſt known; the Interlopers, who are Men that love to Fiſh in troubled Waters, and hate all Eſtabliſhments of Company's for Trade, are reconcil'd to this Company, at leaſt ſo far, as to make no Noiſe or any Complaint againſt it.

Now as to the Opinions of Men about this Company, which you deſire to know, they differ ſo much therein, that I am at a loſs how to give you any Account of them.

Some ſay, That by this Act, *Scotland* is made a free Port for the Trade of Three Parts of the World.

Some ſay, That if it be ſo, in little time they will draw in the other Quarter.

Some ſay, That the Riches of *England* have been Purchaſed by Selling the Overplus of what we do Import from all Parts of the World, more than what we do Conſume our Selves to Foreign Nations.

Some ſay, That Foreigners will buy none of thoſe Goods of us which we bring home from *India*, *Africa*, and *America*, ſo long as they can be ſupplied with ſuch Goods from *Scotland*; becauſe they ſhall certainly buy them Cheaper there, ſeeing the *Scotch* will Pay no Duties upon them, which are very high in *England*, and by Conſequence will make our Goods ſo much the dearer.

Some ſay, That the Retailers in *England* will buy few or no Goods, neither brought into *England* by the Traders to *India*, *Africa*, and *America*, becauſe they will buy them Cheaper in *Scotland*, the Duties being to be Paid upon ſuch Goods which remain in *England*, to the full, nothing being re-paid again but upon the Exportation.

Some ſay, That it will be impoſſible to hinder the bringing in of Goods by Land from *Scotland*, by thoſe Pedlars and others, althô the *Pict's-Wall* were re-built much higher than before.

Some ſay, They will be brought in by Sea alſo, and ſome ſay, that this *Scotch* Company will in a ſhort time, for theſe and many other Reaſons, deſtroy the whole Trade and Navigation of *England*, and carry it to *Scotland*.

Now, Sir, if theſe will be the Conſequences of this *Scotch* Act, it appears very formidable, and ſhould require a ſpeedy Remedy; but it may be, ſome Men may be of another Mind, and I am always for ſubmitting to better Judgments, and am,

SIR,

Printed for *John Whitlock*, near *Stationers-Hall*, 1695.

R. Margry
Ouy. de Scotte otch

A LETTER to a Friend, upon the Diſſolution of the Late Parliament, and the Calling of a New Parliament.

Together with a LIST of thoſe that were againſt making the Prince and Princeſs of *Orange*, King and Queen.

SIR,

AS I do fully acquieſce in the Wiſdom and Authority of the King in his diſſolving of the *late Parliament*: So I'm perfectly perſwaded, that he did it upon motives relating to his own Honour, and to the ſafety and happineſs of his People, and not in ſubſerviency to any *Prerogative Deſign*, nor to pleaſe himſelf with an Exerciſe of *Regal Power*. And I will venture to ſay, that nothing could have induced him, ſo abruptly, as well as unexpectedly, to have diſmiſſed a Parliament, that firſt advanced him unto, and then by ſo many free and vaſt Contributions, endeavour'd to ſupport him in the Throne, but the finding them unſerviceable to the Uniting of Proteſtants, the vindicating of our Laws and Liberties, and the puniſhing of thoſe who had ſubverted our Conſtitution, which as they are the only Juſtifiable Grounds, both of his coming hither, and of his accepting the Royal Authority; ſo nothing leſs than the purſuing thoſe Ends, can vindicate his *deſcent* into *England* from being an Unrighteous *Invaſion*; and his *aſcending* the *Britiſh Thrones*, from the Reproach of an Ambitious *Uſurpation*. How could a Prince of his Integrity and Wiſdom think that the obtaining and wearing of a Crown was honourable and juſt, while the Reaſons upon which he received and poſſeſſeth it, were not only controuled, and reproached, but expoſed and ridiculed? Nor is it poſſible for His Majeſty to believe, that the Late King was ſo hainouſly guilty, as to forfeit all Right to Sovereignty, while thoſe who adviſed him unto, and were the *Miniſters* of all his *miſgovernment*, whom the Law makes chiefly, if not only accountable, were eſteemed Guiltleſs and Innocent. He could not but foreſee, that the *Abdication* of King *James* is eaſily Reverſible, and that he himſelf holds his Crown very precariouſly, if there were nothing to juſtify the *Enthroning* the one, and the *Dethroning* t'other, but the haſty and Arbitrarious Vote of the Majority of the Two Houſes. And he muſt needs look upon all that was alledged, concerning the *Late* King's violating the *Original Contract*, and his ſubverting the Laws of the Conſtitution, as Fiction and Dream, while there were none to be found, that counſelled him unto, or aſſiſted him in it.

And as this juſtifieth the Wiſdom of His Majeſty in the diſſolving of the *late* Parliament, ſo we may from hence eaſily conclude, both upon what proſpect and hope he hath been pleaſed to call a *New* One, and by what meaſures thoſe to whom the right of Electing Members doth belong, are to guide themſelves in the Enſuing Choice. Nor do we only want a Parliament that may confirm, eſtabliſh, and ſupport His Majeſty in the Throne, but which may proceed on thoſe Principles, as does render his Acceſſion to it neceſſary, as well as honourable and juſt. And as the Nation is once more furniſhed with an opportunity of chuſing ſuch a *Repreſentative* Body, as may vindicate and aſſert its Ancient Laws, Rights and Liberties; ſo there is a freſh advantage offered us, of teſtifying our Loyalty to his preſent Majeſty, and of promoting his Greatneſs, as well as of providing for our own future ſafety. I need not tell you, that the Ends to be propoſed in the Service of thoſe who are to be Elected, is, that Your Throne may be ſetled upon firm and righteous Foundations; and that all His Majeſty's Subjects may live at eaſe and unity under His Government. 'Tis therefore *firſt* incumbent upon all wiſe and honeſt Men, that they elect ſuch to repreſent them, as may both allow and confirm unto the King all the Ancient and Legal Rights of the Crown, and yet at the ſame time recover and ſecure all thoſe Privileges unto the People, which the invading and rejecting from them, gave occaſion unto, and can alone juſtify the late Revolution. Whoſoever ſeeks to enrich the King with the Spoils of his Subjects, and ſo adorn them with what our Late Monarch raviſhed from them, can deſign lo leſs, than that the ſame *Fate* ſhould befall him, which overtook his Predeceſſor; which is the robbing him firſt of his Peoples Affections, and then of his own Authority. *2dly*, 'Tis no leſs the Duty, than it is the Intereſt of all that would have the Nation formidable to its Enemies, and the King ſucceſsful in his Undertakings, that they depute and authoriſe thoſe to act for them in Parliament, who without ſubverting or undermining the Church, may not only preſerve unto Diſſenters, that Liberty vouchſafed unto them for worſhipping God; but who may reſtore them unto, and veſt them in, all the Common Rights and Privileges of *Engliſhmen*. Nor will it be eaſie to perſuade ſo great a Company of People, that they find their account in the late Revolution, unleſs they be admitted by Law to injoy the ſame Advantages under the preſent King, which by diſpencing with, and an uſurpation over the Law, they were poſſeſſed of under the laſt. *3dly*, We are to eſteem them the fitteſt of all others, to be returned to ſerve in the Enſuing Parliament, who are likelieſt to maintain in our *Allies* a confidence of us, and to encourage them both to continue the *Confederacy*, and to purſue the Ends of it. And therefore as we would not give jealouſly

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Together with a LIST of thoſe that were againſt making the Prince and Princeſs of *Orange*, King and Queen.

SIR,

AS I do fully acquieſce in the Wiſdom and Authority of the King in his diſſolving of the *late Parliament*: So I'm perfectly perſwaded, that he did it upon motives relating to his own Honour, and to the ſafety and happineſs of his People, and not in ſubſerviency to any *Prerogative Deſign*, nor to pleaſe himſelf with an Exerciſe of *Regal Power*. And I will venture to ſay, that nothing could have induced him, ſo abruptly, as well as unexpectedly, to have diſmiſſed a Parliament, that firſt advanced him unto, and then by ſo many free and vaſt Contributions, endeavour'd to ſupport him in the Throne, but the finding them unſerviceable to the Uniting of Proteſtants, the vindicating of our Laws and Liberties, and the puniſhing of thoſe who had ſubverted our Conſtitution, which as they are the only Juſtifiable Grounds, both of his coming hither, and of his accepting the Royal Authority; ſo nothing leſs than the purſuing thoſe Ends, can vindicate his *deſcent* into *England* from being an Unrighteous *Invaſion*; and his *aſcending* the *Britiſh Thrones*, from the Reproach of an Ambitious *Uſurpation*. How could a Prince of his Integrity and Wiſdom think that the obtaining and wearing of a Crown was honourable and juſt, while the Reaſons upon which he received and poſſeſſeth it, were not only controuled, and reproached, but expoſed and ridiculed? Nor is it poſſible for His Majeſty to believe, that the Late King was ſo hainouſly guilty, as to forfeit all Right to Sovereignty, while thoſe who adviſed him unto, and were the *Miniſters* of all his *miſgovernment*, whom the Law makes chiefly, if not only accountable, were eſteemed Guiltleſs and Innocent. He could not but foreſee, that the *Abdication* of King *James* is eaſily Reverſible, and that he himſelf holds his Crown very precariouſly, if there were nothing to juſtify the *Enthroning* the one, and the *Dethroning* t'other, but the haſty and Arbitrarious Vote of the Majority of the Two Houſes. And he muſt needs look upon all that was alledged, concerning the *Late* King's violating the *Original Contract*, and his ſubverting the Laws of the Conſtitution, as Fiction and Dream, while there were none to be found, that counſelled him unto, or aſſiſted him in it.

And as this juſtifieth the Wiſdom of His Majeſty in the diſſolving of the *late* Parliament, ſo we may from hence eaſily conclude, both upon what proſpect and hope he hath been pleaſed to call a *New* One, and by what meaſures thoſe to whom the right of Electing Members doth belong, are to guide themſelves in the Enſuing Choice. Nor do we only want a Parliament that may confirm, eſtabliſh, and ſupport His Majeſty in the Throne, but which may proceed on thoſe Principles, as does render his Acceſſion to it neceſſary, as well as honourable and juſt. And as the Nation is once more furniſhed with an opportunity of chuſing ſuch a *Repreſentative* Body, as may vindicate and aſſert its Ancient Laws, Rights and Liberties; ſo there is a freſh advantage offered us, of teſtifying our Loyalty to his preſent Majeſty, and of promoting his Greatneſs, as well as of providing for our own future ſafety. I need not tell you, that the Ends to be propoſed in the Service of thoſe who are to be Elected, is, that Your Throne may be ſetled upon firm and righteous Foundations; and that all His Majeſty's Subjects may live at eaſe and unity under His Government. 'Tis therefore *firſt* incumbent upon all wiſe and honeſt Men, that they elect ſuch to repreſent them, as may both allow and confirm unto the King all the Ancient and Legal Rights of the Crown, and yet at the ſame time recover and ſecure all thoſe Privileges unto the People, which the invading and rejecting from them, gave occaſion unto, and can alone juſtify the late Revolution. Whoſoever ſeeks to enrich the King with the Spoils of his Subjects, and ſo adorn them with what our Late Monarch raviſhed from them, can deſign ſo leſs, than that the ſame *Fate* ſhould befall him, which overtook his Predeceſſor; which is the robbing him firſt of his Peoples Affections, and then of his own Authority. *2dly*, 'Tis no leſs the Duty, than it is the Intereſt of all that would have the Nation formidable to its Enemies, and the King ſucceſsful in his Undertakings, that they depute and authoriſe thoſe to act for them in Parliament, who without ſubverting or undermining the Church, may not only preſerve unto Diſſenters, that Liberty vouchſafed unto them for worſhipping God; but who may reſtore them unto, and veſt them in, all the Common Rights and Privileges of *Engliſhmen*. Nor will it be eaſie to perſuade ſo great a Company of People, that they find their account in the late Revolution, unleſs they be admitted by Law to injoy the ſame Advantages under the preſent King, which by diſpencing with, and an uſurpation over the Law, they were poſſeſſed of under the laſt. *3dly*, We are to eſteem them the fitteſt of all others, to be returned to ſerve in the Enſuing Parliament, who are likelieſt to maintain in our *Allies* a confidence of us, and to encourage them both to continue the *Confederacy*, and to purſue the Ends of it. And therefore as we would not give jea-

louſly

louſy unto them, and weaken the Union amongſt themſelves, and with us, we ought to avoid the chuſing of thoſe that have heretofore promoted the Grandeur of *France*, or that have either ſought the Deſtruction of the *Dutch*, or expreſſed a malice and rancour towards them. *4thly*, As we would not betray both the King and our ſelves, we are to chuſe none but ſuch who are intirely in his Majeſty's, and in the Kingdom's intereſt; Which as it is impoſſible to believe of them, who acknowledge him only a King in *Fact*, but not by *Right*; ſo it is not eaſie to conceive how they ſhould be forward and zealous to ſupport him in the Throne, who oppoſed his coming to it. The Enemies to King *James's Abdication* are not like to be true and laſting Friends to King *William's Sovereignty*. In ſhort, it is the duty of all that love the preſent Eſtabliſhment, to be againſt thoſe, whom you find them to be for, that refuſe to ſwear Allegiance to their preſent Majeſties. Nor are they worthy of the Vote of an honeſt Man, who are not ſatisfied with the Protection of the Royal Power, unleſs they have both the maſtery of it, and the exerting and applying of it to the oppreſſion of their Fellow-Subjects. 'Tis not a King, but a Tool under that name, which they deſire. And inſtead of allowing him to be the Univerſal, and Equal Ruler of all His People, they ſeek to reduct and degrade him to be the Head of a little and Peeviſh Faction. Which that His Majeſty may be preſerved from all Temptations unto, through the wiſe Choice of thoſe that are to ſit in the following Parliament, is the unfeigned deſire of,

Sir,

Your humble Servant.

Berks
Lord *Norris.*
Buckingh.
Sir *Ralph Verny.*
Camb.
Sir *Levinus Bennet*
Sir *Robert Cotton*
Sir *Robert Sawyer.*
Cornwall
Sir *Bourcher Wrey*
Fran. Roberts
Sir *John St: Aubin*
Charles Godolphin
Nich. Glynn
John Tanner
Alexander Pendarvis
James Praed
John Raſhleigh
Fran. Vivian
John Specot
Sir *Joſ. Tredenham*
Hen. Seymor
Sir *John Coriton*
John Prideaux
Cumberland.
Sir *Chriſt. Muſgrave.*
Derby
John Coke.
Devonſhire
Sir *Edw. Seymor*
Chriſto. Bale
Sir *John Fowell*
Rawlin Mallack
William Cary
Henry Nortleigh
Sir *Arthur Chichester*
Edm. Walrond
Will Hayn
Will. Coleman.
Dorſetſhire
Tho. Strangways
John Pole
Sir *Robert Nappier*
Edw. Nicholas
Rich. Fowns
Will. Okeden.
Durham
Will. Lampton
Robert Byerly
George Morland.
Glouceſterſhire
Will. Cook
Tho. Muſter
Sir *Fra. Ruſſell.*
Hereford ſhire
Hen. Cornwall.
Huntingtonſhire
John Bigg.
Kent
Sir *John Banks*
Sir *John Twiſden*
Caleb Banks.
Lancaſhire
Fran. Cholmondley
Sir *Edw. Chiſnall.*
Leiceſterſhire
Sir *Tho. Halford*
Tho. Babington.
Lincolnſhire
Charles Bertie.
Sir *John Brownlow.*
Middleſex
Sir *Charles Gerard*
Ralph Hewtrey.
Monmouth
Marq. of *Worceſter.*
Norfolk
Sir *Will. Cook*
Sir *Nevill Catlyn*
Sir *John Turner*
Sir *Fran. Guybon.*
Northamptonſhire
Edw. Montague
Gilbert Dolben
Sir *Juſtinian Iſham*
Lord *Winman.*
Northumberland
Will. Forſter
Philip Brickerſtaff
Sir *Ralph Car*
Roger Fenwick.
Nottingham
Lord *Eland.*
Oxon
Sir *Robert Jenkinſon*
Sir *Tho Clarges*
Hen. Berty
Sir *Jon Doyley.*
Rutland
Sir *Tho. Mackworth.*
Salop
Edw. Kynaſton
Andrew Newport
Sir *Fran. Edwards*
Sir *Edw. Acton*
George Weld.
Somerſet
Sir *Rich. Hart*
Sir *John Knight*
Edw. Berkley
Sir *Will. Baſſet*
Sir *Will. Portman*
John Sandford
Sir *Francis Warr*
Francis Lutterel
Nathan. Palmer
Sir *Edw. Windham*
Will. Helyar
John Hunt
Tho. Sanders.
Southampton.
Franc. Morley
Sir *Benj. Newland*
Sir *Robert Holms*
Earl of *Ranelagh*
Thomas Done
Franc. Guin
William Etrick
John Pollen.
Staffordſhire.
John Gray
Robert Burdet
John Chetwind
Sir *Henry Gough.*
Suffolk.
Sir *John Cordell*
Sir *John Rous*
Sir *John Barker*
Tho. Glemham
Sir *Hen. Johnſon*
William Johnſon
Sir *John Poley*
Thomas Knywet
Hen. Pooley
Sir *Robert Davers*
Sir *Thomas Harvey.*
Surry.
John Weſton
White Tichburn.
Suſſex.
Sir *William Morley*
John Alford
Charles Goring Jun.
Will. Morley.
Warwickſhire.
Sir *Richard Verney*
Sir *Roger Cave*
Lord *Digby*
William Colemore.
Weſtmorland.
Richard Lowther
William Cheyne
Wiltſhire.
Lord *Cornbury*
Robert Hyde.
Richard Lewis
Peregrine Berty
Henry Chivers
Walter Grubb
Charles Fox
Sir *Edm. Warnford*
John Dean
Sir *John Ernle*
Sir *George Willoughby.*
Worceſtſhire
Henry Parker
Sir *John Matthews.*
Yorkſhire
Earl of *Danby*
Sir *John Jennings*
Chriſtopher Tancred.
Brecon.
E. Jones of *Buckland.*
Denby
Sir *Rich. Middleton*
Edward Brehon.
Glamorgan
Thomas Manſell
Pembroke
Sir *William Wogan.*

LONDON: Printed in the Year 1690.

K. Whiston (James) 10

WHISTON'S Merchants Weekly Remem[illegible]

Of the Present-Money-Prices of their Goods A[illegible]

On Monday, January 26th. 1690/91.

These Marks signifie the { Rising / Highest / Falling / Standing / Lowest } Market { And where Tret is due to Freemen, which is 4 [illegible] every 104 l. Neat, is Marked with † Ditto, Clo[illegible] the Draught be 300 Weight, with *

T. stands for the Customary Tare. D. what Duty paid. A. V. Ad Valorem, which is 5 per Cent, according to the Value of th[illegible] P. What payed Out. R. Receiving back, which for most Goods, is half what is paid in, provided they be Shipped out within a Y[illegible] Abates 5 per Cent out of the said Duty set down.

Goods	Price	Duty
Gold in [illegible]	[illegible]	
Ditto French Pistols	4l26	
Ditto Silver Standard	5s3d3q	
Pieces of Eight of Piller & Sivel	5s4d2q	
Ditto Mexico	5s4d2q	
East-India Actions	uncert.	
Ditto Royal African Company	142l	
Ditto Hudsons Bay	210l	

Raw Silk, 24 Ounces to the l. Avoir du Pois Weight

Goods	Price	Duty
Ardas of Aleppo	12s6dto13s	D. 4 d. R.
Ditto Smyrna with heads	12sto6d	Ditto
Ditto without heads	14s	Ditto
Legee ordinary of Aleppo	18s6dto19s	Ditto
Ditto Smyrna ordinary	18s6dto19s	Ditto
Ditto Burma	20s	Ditto
Ditto Sherbasse	20sto5d	Ditto
Tripoly Beladine	22sto6d	Ditto
Byroot	22s6d	Ditto
Acra — 21s — Bias	21s	
Cypres	21sto6d	
Bengal No. A. — uncert. — No B.	uncert.	
Ditto No. C. — ditto — No D.	ditto	
Ditto No E.	ditto	
Ditto No F. — ditto — N.G.	ditto	
Floret Yarn M A	ditto	
Ditto No. B — ditto — Ditto No. C	ditto	
Ditto No. D	ditto	
Ditto No. E	ditto	
China Silk	ditto	

Ditto 16 Ounces.

Goods	Price	Duty
		D. 10d. R.
Bollonia superfine	28s	Ditto
Ditto second sort	26s	Ditto
Ditto third sort	21s6dto22s	Ditto
Orsoy of Messina	20sto6d	Ditto
Cinquanta	20sto6d	Ditto
Naples Throne	18sto6d	Ditto
Messina Throne	18sto6d	
Ferret from Flanders, &c.	15s6d	

Spices the l. and C.

Goods	Price	Duty
		T 3l Bag.
Jambee Pepper — 13d 7/8 — Malabar	14d	D 1d R.
Billiapatam	13d2q	Ditto
Ditto White the C.	9l15s	D. 4d. R.
Cinamon the *† l. best in parcel	6s8dto7s2d	Ditto
Ditto Ordinary *† l.	5sto10d	D 4 d. 3 q. R
Nutmegs *†	6s10d	D 12 d. R.
Mace bright and large *	15s2dto6d	
Ditto midling	none	Ad Valorum
Ditto brown	ditto	T. 4l. Bag.
Cloves † *	8s8d	D. 12. d. R.
Pimento † * — best Jamaica	20d	Ditto
Ditto Mountserrat	none	
Ginger Black C. ⊕	33s	
Ditto white and well scraped ⊕	43s	

Rice, Seeds, Barley, Almonds, Bees-Wax, and Cacoa's, by the C.

Goods	Price	Duty
		D. 16. d. R.
Mill. Rice Garbled	19s	
Alex. Gar. — none — Veron. fine.	21s	D. 3s. R.
Anniseed of Alicant garbled	40s	D. 6s. R.
Ditto Roma	28to30s	Ditto
French Barley — 12s6d — Pearl	28s	Ditto
Jordan Almonds	4l14s	P. 6s.
Ditto Valentia	3l16s	D. 2. R.
Ditto Barbary ordinary	55sto60s	Ditto
English Bees-Wax	5l16s	Ditto
Ditto East Country	6l7s	D. A. V.
Ditto Barbary	5l12s	Ditto
Ditto Guinney	none	Ditto
Caracca Cacoas Old	12lto15l	
Ditto New	15lto16l	
Ditto Jamaica	12lto13l	

Fruit by the C.

Goods	Price	Duty
Currants New	36sto40s	
Ditto Old	20sto26s	D. 6s R4s6d
Raisins Sun in parcel New	37s	D.6sR4s.6d
Ditto Old	24s6d	D. 2s. R.
Mallago Pieces New	24s6d	D. 1s. R.
Ditto Old	20s	D. 18d. R.
Alicant in Baskets Old	14sto16s	D. 1s. R.
Ditto Lepperee	none	D. 2od. R.
Figs New	28s	D. 9d. R.
Prunes in parcel	19sto22s	D.6s.R
Capp Dates garbled	3l10s	

Sugars by the C. and the [illegible] Ashore after all the Old and New Duties are paid.

Goods	Price	Duty
		Ditto
First Whites Barbadoes	56sto60s	D. 18d. R.
Second sort	48sto52s	Ditto
Third sort	42sto46s	Ditto
Unpurged in parcel	34sto36s	Ditto
Mevis in parcel	34sto35s	Ditto
Jamaica unpurged best	40sto42s	Ditto
Ditto courser in parcel	34sto38s	Ditto
Eng. Loaf doub. refined best the l.	9d2qto10d	P. 6d. the C.
Ditto Powder Loaf †	9d	Ditto
Ditto single refind	7d2q	Ditto
Powder Sugar best the C.	56to60s	Ditto
Ditto second sort	47to52s	
Sugar Candy White the l. †	13d2q	
Ditto Brown	7d3q	
Melasses London the C. * ⊕	20s	
Ditto from the Caribdes ⊕	19s	

Drugs by the Ounce, Troy Weight.

Goods	Price	Duty
China Musk in Cods	15sto16s	
Agra in Cod — none — Neat	17sto19s	
Ambergreece ☾	3lto10s	8 d. R.
Ditto black 50sto60s ✳ — Ditto Irish	none	Ditto
Civet English	22sto23s	1s. R.
Barbadoes ✳ 18to20s Guinney	3s	
Lap. Bezoar Oriental	24to25s	
Ditto Occidental	4s	
Seed Pearl Oriental	none	A. V.
Ditto Occidental	8to36d	1s. R.
Scotch Pearl	2sto4d	Ditto

Ditto by the l. and C. Avoir du Pois Weight.

Goods	Price	Duty
Cardemoms Minor	3s6dto4s	5s 4d the C R
Turkey Wormseed in foyl	2s3d	5s 3d C. R.
Ditto garbled	3s5d	Ditto
Rhubarb of Turkey best	18sto22s	17s 9d C. R.
Ditto Russia	12sto16s	Ditto
Seberia Castorum Russia	none	24 the l.
Sena of Alexandria	4s6d	Ditto
Ditto Tripoly garbled	none	Ditto
Ditto of Aleppo the l.	3sto4d	2q. the l.
Manna	24dto35d	
Cortex Winteranees the C.	22to24s	
Scammony fine of Alep. the l.	14sto6d	
Ditto Smyrna	13s	
Opium the l.	22sto25s	
Jallop	15dto18d	
Colloquintida sifted ☽	24dto26d	
Ditto with Seed	12d	
Mastick	3s4d	
Turkey Galbanum the l.	12dto14d	
Verdigrease	28d to 30d	
Sarsaparilla in parcel ☾	uncert.	
China Roots in parcel the C.	ditto	
Quicksilver the l.	4s2d	
Vermillion the l.	3s 9d	
Gallingale the C.	uncert.	
Sanguis Draconis the l. in Dropes	none	
Ditto in Lumpes	ditto	
Long Pepper the C. ⊕	4lto5s	
Cubebs ⊕	6l10sto7l	
Turmerick — 43to48s — Cowries	3l15sto4l	
Red Earth ⊕	9sto10s	
Aloes Succatrina	uncert.	
Ditto Hepatica the C.	45sto50s	
Ditto Barbadoes the C.	55sto60s	
Myrrhe in sorts the C.	5l10s	
Camphire unrefined the C.	14lto10s	
Ditto refined the l.	4s4d	
Tincal the C.	none	
Benjamin second sort	ditto	
Ditto ordinary sort	9lto10l	
Olibanum East-india	uncert.	
Ditto Streights	none	
Shellack — 3lto6l — Seedlack	4l10sto5l	
Sticklack Black — none — Red	5l	
Gum Dragant ☽	20lto22l	
Gum Senica ☾	uncert.	
Gum Arabeck of Turkey	none	
Ditto of Barbary	none	
Cinnam Cassia Lignum	3l10sto4l	
Ditto fine Quill C.	none	
Cantharides l.	5s6d	
Coculus India C.	6l10sto7l	
Tamerinds C.	3l10sto15s	
Arsneck White in parcel	36sto40s	
Ditto Yellow	32s	
Assafetida the C.	6lto7l	

Goods	Price	Duty
Green [illegible]	[illegible]	
Ditto [illegible]	[illegible]	
Coffee [illegible]	[illegible]	
Ditto of East [illegible]	[illegible]	
Roman Vitriol Cut the l.	30d	
Saffron English best the l.	3l10sto3l12s	
Ditto Spanish	16sto20s	
Tea — the best ☽	25to40s	
Ditto second sort ☽	4sto8s	
Salarmoniack the C. East India	6l10s	
Ditto of Turkey	7l	
Guynia Grain	36s	
Isinglais pareriarcks the l.	2s6dto9d	
Ditto second sort	15 to 20d	
Cortex Peruviani in parcel	2sto4s	
Ditto garbled best	6to8s	
Bay-berries the C.	15sto16s	
Mercury Subl. the l.	4s8d	
Ditto Precipitate	5s8d	
Borax refined ☽	3s6d	
Storax Calamita Best	4sto6d	
Zedoary best the C.	6l	
Cerus. the B.	19to 20s	
East-India Cassia Fistula parcel	none good	
Ditto Caribdes	30sto36s	
Bitter Almonds the C.	50sto56s	
Strasburg Turpentine fine	7l10s	
Antimony of East Country ☽	20sto22s	
Crabs Eyes the l.	none	
Pix Burgundia the C.	25sto40s	
Lapis Tutia	3l10s	
Spikenard — best	none good	
Mechoican the C.	6l	
Camboguim best	14lto15l	

Dyers Wares by the l.

Goods	Price	Duty
Cocheneal Garbled	21sto3d	
Lahore Indico ☽	9s	
Ditto Gautimale ☽	5s9dto6s6d	
Cerques round — 4s6d — Flat	4s6d	D. 4d. R.
Jamaica ☽	5s5dto7d	D. 2. R.
Of the other Caribdes ☽	3s6dto4s4d	Ditto
Annato Spanish in Balls fine ☽	ditto	Ditto

Ditto by the C.

Goods	Price	Duty
		D. 5. per C.
Mill. Tolo Gauls or Alep. best *	3l16sto4l	l. weight R
Ditto Tripoly	none	
Ditto of Smyrna *	58sto60s	
Valonia Caps whole ☽	none	
Crap Madder best ⊕	40sto44s	
Ditto Onbero ⊕	30sto32s	
Ditto Gemene the best ⊕	16sto19s	
Ditto in Fats ⊕	none	
Mullmulls ⊕	6to12s	
Logwood in parcel ⊕	16s6d	
Sapan wood	none	
Safflower of Strasburgh best	7l10sto8l10s	
Ditto Erfordse	5 to 6l	
Burdeaux Cream of Tartar ☽	none	
English Copperas	5s4d	
Old Redwood of Guin. in Logs ⊕	58s	
Ditto New ⊕	none	
Brazilette — 8s — Planten	31s	
Fernembuck wood young	56s	
Bahia Brazil	24sto26s	
Nicoragoe Wood	26sto30s	
Fustick from Zant, &c.	none	
West India Fustick ☽	14s	
Shomack of Oporto	14s	A. AD. 5.
Allom English — 18s6d — Romish	22sto23s	Ditt. V.
Ditto of Turkey	15sto16s	Ditt cVo.
Argol of East-Country	42to50s	
Ditto Italy White	26sto28s	
Ditto Red	23sto24s	
Ditto Oporto	none	
Red Saunders whole ☽	36s	

Tobacco by the l. Ashore here after all the Old and New Duty, is paid.

Goods	Price	Duty
Varinus in parcel new *†	none	
Midling sort for Rappers *†	uncert.	
Bermodaes in parcels *†	ditto	
Antego Leaf *†	ditto	
Brown spun here *†	ditto	
Black Smal. twist made here *†	ditto	
York in parcel best new *†	ditto	
Ditto old	ditto	
Midling sort *†	ditto	
Rapphannack sweet scent *†	ditto	
Ordinary in small hands *†	ditto	
Tobacco Stalks the C.	45sto50s	
Bright Aranoco Tobacco of Virginia in the Leaf on Board a l. *†	7dto2q	
Ordinary on Board *†	5d	
Rapers	5d2qto6d	

Hides and Skins by the L. and C.

HAvana Hydes 27.30 l. — ● — none
Dit.Cuba in parc. 22,20l. ● — 4d2q
Ditto Buccaneer 20, 25 l. — ● — 4d
Cloth Hides — 17to19d
Buff-Hides drest of 12 to 15l.weight per hi. 2s
Ditto 5l to 8l wt — 5s
Ditto Guinney 8,10l.per Hyde the C. 30to31s
Cordevants ye Buck skin Aleppo — 2sto3s
Ditto red-none-Ditto blew of Smyrna-none
Ditto Red —2s6d— Ditto Yellow -2sto2d
India Hydes 7,8l.perH.thel. — 11dto13d
Ditto Pellivalhie4,5l.per H.the l. 14dto15d
Tann'd Calve-skins undrest — 5d2qto6d2q
Ditto Allum'd per dozen — 18to20s
Ditto coloured — 20to24s
Ditto drest the l. — 10dto2q
New England Elke Hydes inHair - 9dto11d
Red-skins of Switzerland and Hamborough in the hair, 124 to the C. — 3l15sto4l
Tholouz— —none——Rochel—— ditto
Bourdeaux- ditto——Ditto mingl.——ditto
Ditto Bayon — ditto
Nants — ditto
Ditto Bilboa — 3l10sto15s
Roan-none — -Lions— — ditto
Ditto Lambs from Bayon — ditto
Ditto Scotch 12to18s ⊕ Ditto Slink 10sto13s
Ditto Scotch Calves drest — 6sto8s
Ditto Slaughter- — 10sto12s
Scotch Goats the Dozen — 12sto14s
Ditto French — none
Ditto Cales. Alligant — 4lto10s
Ditto Cyprey — 3l15sto4l

Copper, Lead Wyer, Iron & Steel, the C.

TYne in Blocks the C. — 3l3s
Cop.thin Plates,of Ham.the C. 6l5sto7s
Ditto thick Plates best — 5l14sto15s
Ditto of Hungary — 5l12s
Rose Copper — none
Barbery in Cakes — 4l3s
Sweden Money Plates — 5l5s
Darbyshir.Lead, fod. 19 C.& half — 9l5s
Ditto Yorkshire small — 9l3s
New-Castle — 9l1s
Red Lead the C. * 13s—White-*-19s
Aken Kettles best in sorts — 6l5sto7s
Lat. Wyre of Hamb.sort 4, 5 b. — 6l5s
Ditto Sweden good sort — 6l5s
Lattin Sheets shaven best — ⊕ — 7l14s
Ditto thin Roll — 7l16s
Bilboa Iron— 15s —Stile Eastin —14s6d
Ditto Swedeland Voyage — 14sto6d
Ditto others in sorts — 13s
White Plates double the C ⊕ — 48 to 50s
Ditto single good sort— ⊕ — 23 to24s
Gad steel of Collen the Barrel -*- 17l.
Bundle Steel by the C. — 33s
Steel steer mark the Fagot — 50sto52s
Dantzick Steel the Barrel — 26sto27s
Venice the C. — 40sto42s

Wool and Hair.

POlish Wool fine the C. — 6lto10s
Sheeps and Estrich Wool — 40 to 45 s.
Ditto Lambs — 55 to 60 s.
Castel. felt 25 l. to the rove — 13sto14s6d
Vigonia Wool the l. — 7s6dto9s6d
Segovia felt the l. — 10dto12d
Ditto washt — 24to28d
Russia Bever Wool — 25 to 30s.
Ditto Wombs the l. — 30to35s
Best Coney Wool — ⊕ — 7sto6d
Carmenia Wool Red E. India — ⊕ uncert.
Ditto Red of Turkey —
Segovia super fine markt R. — 2s2dto5d
2d. sort F—22dto24d-3d sortT—10dto12d
Aleppo Goats hair — 3s6dto4s6d
Ditto Smyrna — 33dto40d

Yarn and Cotton Wool.

BRunswick Yarn the Bundle- 7s2dto4d
Ditto Halverstadt — 7s
Ditto Quedlebrough — 7s
Ordinary Russia LinnenYarn l. 7d2qto8d2q
Ditto Fine — 10d2qto13d
Angora superfine alias Long ⊕ — 5s6dto7s
Beigbazar alias Short — ⊕ — 4sto5s6d
Cotton Yarn of Aleppo †- ⊕ — 14d2qto13d
Smyrna ⊕ 15dto17d2q † Jerusa. 17dto18d2q
Ditto Beladine — 14dto15d2q
Ditto Surrat No. 1,2, — uncert.
Ditto fine No. 3, 4 † — † — ditto
Ditto superfine No. 5, 6 † — — ditto
Cotton Wool white Barbadoes † — ☽ — 15d
Ditto Yellow best in parcel ☽ — 15d
Ditto Jamaica best-† — ☽ — 15d
Smyrna best -none — Ord -† — none
Acra best—-none-† Cyprus † — ditto

Oyl, Whale-Fins and Tallow.

GEnoa Oyl 236 Gal.Tun — 41l
Galipoly — 39l10s
Sevil - 37l10s - Majork 39l10s
Port 36l10sto37l-Lisbon-35l10sto35l10s
Farro — 35lto36l
Hemp-seed English — 32l
Linseed Holland — ● — 32l
English Rape — 26l10s

These are 252 Gall. per Tun.

Greenland — none- -Seal — none
Pilchards 27l — New England — 28l
Newfoundland — 29l
Whale Fins Old 20 C. T. — uncert.
Ditto New — none
Ditto New-England the C. — 6lto7l
English Tallow the C. — 32s
Irish — 31s — Russia — 28s

Pot-Ashes, Barilla and Soap the C.

RUssia Pot-ashes — ⊕ — 48sto57s
Quinsborough — none
Dantzick best ⊕ 50s — Riga — 34sto38s
White Pearl —
Turkey in Fatts — none
Ashes of Ackra in Bags — none
Barilla of Alicant — 15sto16s
Alicant Soap Old ⊕ none - Ditto New-none
Galipoly- ⊕ - none-Joppa- ☽ — none

Hemp, Pitch, Tar, and Rosin

CAble Yarn the C. — 20to21s
Ditto Leeke of Holland — 23to24s
Steel Hemp the C. — 5lto6l
Riga Rhine New —-24s—Pass — 18s
Ditto Old — 22s
Quinsb. Rhine New-22sto6d—Pass-17sto6d
Russia best ☾ —uncert. Narve best — 23s
Pitch of StockholmCro.12Bar.Last ● 14l10s
Ditto Gottenbourgh Crown — ● — none
Ditto Wyberg — ● — 13l10s
Stockb.Tar ☽ —11l10s—Wyberg none
Callmer, or of Westericke — none
Narve, Burgen, Druntum — none
Bourdeaux Rosin - ☽—none-Bayon- ☽ ditto
French Terpentine fine, the C. ☽ — none

Brandy, Brimstone, Saltpeter, and Gunpowder.

BRandy 252 Gal.Tun ⊕ — 62lto64l
English superfine Spirits as good as some Brandy — ⊕ — 46lto48l
Ditto worser sort mixt — ☽ — 40lto44l
Ditto Common Spirits — 22l
Ditto made of Mault — 21l
Rapes — none
Brimstone rough ⊕ — 20s—Refin'd- ⊕ 22s
Saltpeter White ⊕ uncert.—Brown ⊕ ditto
Gunpowder 100 l.neat Barrel ⊕ — 3l6s

Corn 8 Bushels the Quarter, Salt 40 the Weigh.

WHeat— 16to 24s—Rye — 14sto16s
Barley-10sto13s-Oats — 8sto12s
White Pease 18to21s-Beans — 12sto15s
Norf.Suffolk, Sussex Mault ● — 10sto13s
West-Country and Kent- ● — 17to19s
Ditto Hartford-shire — ● — 14sto15s6d
St. Lucar Salt, and Cales — ● — 5l
Olleron — ● - none — Lisbon — ● — 4l15s
Croisiacque- ● —ditto—St. Uval ● — ditto
Alamatt — ● — ditto
New-Castle — ● — 55s

Calitoes & Taff. East-India the Piece.

LOng Cloth N1 36,37 yds — uncert.
Long Cloth Brown N.6.37 yds — ditto
Ditto Blue N. D. — ditto
Salampores N. 3. D. 16 yds. — ditto
Betellees N. 25. — ditto — N. — ditto
Ditto R 28 — ditto
Pelongs Plain — ditto
Pelongs Flowered — ditto
Herba and Cotton Longes — ditto
Cotton Romals — ditto

There is an exact Accompt of the Prices of each Lot with the Buyers Names, as they were sold at the Sale, Printed; and are Sold for 2 s. 6 d. per piece.

Elephants Teeth by the C.

Gambo { 2 to the C. — none
3 — ditto
4 -&5 to the C. — ditto
smaller — ditto }

Mozembeak, Shisbro, Seerlon { 2 to the C — none
3 — ditto
4 and 5 — ditto
smaller — ditto }

Grain & Quaqua Bite } Coast { 2 to the C. — 18l
3 — 17l
4 & 5 to the C — none
smaller — ditto }

Odd Things.

TIcklenburgs Linnen 1500 Ells, Roll — 50lto51l
Ditto Osenbrigs — 48lto49l
Ditto Hartfords — 41lto42l
Brumswick Mum the Barrel — ● — 3lto10s
White Starch the C. — * — 12s6d
Horn Plates for Combs the C. ⊕ — 17s6d
Ditto Blacks — ⊕ — 7s3d
Great Lantorne Leaves — ⊕ 7s3dto6d
Ditto small — ⊕ — 4sto3d
Glew — *London made* — 30to32s
Stock Fish per C. weight round — 18sto19s
Ditto flat 60 Couple — 50s
Nor-sea Cod large by tale, the C. — 6to10l
Ditto Island — none
Anchove's double Bar. best — 14to15s
Marsellis Capers the C. — 3l15sto4l
Westphalia Hams in parcels the l. 7dto9d
Butter of Yorkshire, Firkin ⊕ — 16sto18s
Ditto Suffolk — ⊕ — 22s to24s
Ditto Cambridge — none
Cheshire Cheese 2 years old ⊕ — 30to32s
Ditto 1 year old — 25sto27s
Ditto Fine Suffolk — 12s to 13s
English Hops new the C — 32to48s
Ditto Bream well pickt — ● — none
Ditto Dantzick — ● — none
Ditto Holland — ● — none
Ditto Flanders — ● — ditto
Best Sope made of sweet Oyl the Barrel Neat 256 l. marked B. B. — 70sto72s
Ditto B. S. made of Fish Oyl — 62sto64s
Ditto courser, marked with C. — 52sto54s
Oyl of Turpentine the C. — 7l10s
New Cloverseed English best ☾ — wont sell
Ditto Flanders — ☾ — ditto
Tortois Shell Green the l. — * — 4 d.
Ditto Hocksbill — * — 3s6dto5s6d
West-India Lime-Juice Gall. — 3s
Canary-Seed the quarter — 31sto32s
Flax Seed English — 16sto17s
Hemp-Seed of Norfolk — 18to19s
Ditto Suffolk — none
Ditto Rape — 25sto26s
English Mustard-seed, the Bushel — 7s
Ditto French — 6s
Smalts of Hambro. best. the l. — 5dto14
Ditto second and third sorts — 3d3qto4d2q
Colchester Bays Crown — 16d2q

The Course of EXCHANGE
January 22. 1690/91.

Viz. From *London* to

		s.	d.	q.
At 2 months.	Paris	00		
	Roan	00		
	Bourdeaux	00		
	Lille	00		
	Madrid		50	1/2
	Cadiz		49	3/8
	Civille		49	3/8
At 3 months.	Venice		52	
	Leghorn		53	1/2
	Ditto 23.			
At 2 months.	Amsterdam	34	2	
	Rotterdam	34	4	
	Hamburgh	32	9	
	Antwerp	34	2	

At 25 days sight, Lisbon — 6s1d
At 21 days Dublin — 6l5s

Printed also in the French Tongue, for the Author JAMES WHISTON, *Moderatour to Merchants, living in* Water-lane *by the* Custom-House, London, *who delivers either of them weekly every* Monday *where desired for* Twenty Shillings *per Annum.*

Tobacco from our own Plantations Imported here pays Duty, Viz.
S*Ubsidy to be paid down* 1 *d. per l. with* 5 *per C. abated.*
Additional Duty 1 *d. if Bonded, if paid down* 7½ *per C. abated, and* 5 *per C.*
Impost Duty 3 *d. per l. if Bonded, if paid down* 4 *and* 10 *per C. abated.*
If exported, it draws back all the Impost, all the Additional Duty and ½ *the Subsidy, which is* 4 *d.* ½ *per l.*

If Allowance be made for ready Money (which for Additional Duty is 7½ *per Cent. And for the Impost, if ready Money, the Allowance is at the rate of* 4 *per C. and* 10 *per C.* per Annum.

Sugar from our own Plantations Imported here payes Duty, Viz.
W*Hite* 5 *s. per Cent. and Subsidy to be paid down* 5 *per C. abated.*
Impost Duty 7 *s. per C. if Bonded, if paid down* 4 *and* 10 *per C. abated.*
Brown fit for use 7 *s. per C. Impost if Bonded, if paid* 4 *and* 10 *per C. abated.*
Aad 1 *s.* 6 *d. Subsidy* 5 *per Cent. abated.*
Muscovade 1 *s.* 6 *d. Subsidy, and* 5 *per C. abated.*
Impost 2 *s.* 4 *d. per C. if Bonded, if paid* 4 *and* 10 *per C. abated.*
Upon Transportation it draws back all the Impost, and ½ *the Subsidy.*
White payes in all 12 *s. per C.*
Brown fit for use 8 *s.* 6 *d. per C.*
Muscovado Sugar 3 *s.* 10 *d.*

Coals in the *Pool*, 36 Bushels to the Chauldron, — 37sto38s

A

CATALOGUE

OF

Original PICTURES,

Being the Collection of a Perſon of Quality deceas'd,

Will be ſold by Auction at *Harris*'s Coffee-Houſe in *Ormond Street* near *Red-Lyon-Square*, on *Thurſday* next being the 5th of this Inſtant *June*, 1712. The Pictures may be viewed on *Tueſday* and *Wedneſday* the 3d and 4th, and Catalogues had at the Place of Sale, which will be at Three a Clock in the Afternoon exactly.

No

1 A Curious Landskip with Figures by Abraham Mankenda
2 Lambert Charles Ryden Governor of Nimeguen
3 a Sea piece by Vandeveld
4 an Oſtrich hunting by Abraham Hondius
5 The holy Family by Hendrick Goltius
6 a ſmall Landskip & Parakites by an Ital Hand
7 a Chriſtmas night by old Colony
8 a Sea Storm a rare picture by the beſt Vandeveld
9 The holy Family by Thomas Bernardine
10 a Landskip with Cattle by Peter Vanberg
11 a Sea Storm by Vandeveld
12 a Converſation a curious Picture by Hemskirk
13 a Swan hunting by Abraham Hondius
14 The Judgment of Paris by Seig. Vario
15 a piece of ſtill Life by John Streck
16 The raiſing of Lazarus a fine Picture by Holbein
17 Horſes and Figures by Woverman
18 a Sea piece well painted (man
19 a Landskip with a Rock and Figures by Voſter-
20 The Story of Cymon Iphigenia by Seig. Marco
21 an old Mans Head by Jourdans
22 a large Landskip with Figures by Savory
23 a curious piece of Ruins the manner of Savory
24 a Sea calm a curious picture by Tillemans
25 Europa by Seignior Genaro
26 St Joſephs Head by Abram Blomart
27 a large Bachanalia by Caſteels of Antwerp
28 a Carpet and other ſtill Life rarely painted by
29 a Magdalens Head by Dobſon (Roſtrade
30 Fiſh lying on the Sea ſhore by Le clerc
31 a large Flower pot by William Varelſt
32 an admirable Italian Landskip with a Roman
33 Adam and Eve by Corn. Van harlem (Augure
34 a Magdalen by Henderick Goltius
35 a curious Fruit piece by Varelſt

No

36 a Landskip with the Judgment of Paris, the Figures by Vandyck
37 a Sea piece by the beſt Vandeveld
38 a Converſation by Hemskirk
39 The holy Family after Carlo Morat
40 a March a curious picture by Wyck
41 a Surgeons Shop by Hemskirk
42 a Landskip by Huiſman
43 a Country-Fair by Drogſloten
44 a Gale of Wind at Sea by the beſt Vandevelde
45 a large piece of Satyrs after Rubens
46 a Campagn by van Bloma
47 a Dutch School by Hemskirk
48 another of the ſame ſize by ditto
49 William Roper eſq; by Holbein
50 The Virgin Mary, Chriſt and St John by Mich.
51 a Flower piece by Baptiſt (Angelo
52 another by the ſame Maſter
53 a Fidler finely painted
54 a Fruit piece by Cornelius van Kenden
55 a Battle by Vandermulen
56 a Winter Landskip with Birds by Mr. Gryffier
57 a curious Landskip with Figures by Vincaboom Brughels Maſter
58 a Court of Guard by Iſaac Rutier
59 a fine piece of Flowers by Vanzoon
60 a curious Landskip by old Hondecote
61 a Fruit piece by Cornelius van Kenden
62 a piece of Ducks by Vanderhagen
63 a round three quarter Battle by Carnardo
64 a curious Fruit piece by the beſt De Heem
65 an Hiſtory piece by Bramer on copper
66 a Boy with a Birds neſt by Mr. Hughs
67 a Man a ſmoaking by Brower
68 an Hiſtory piece by a good Hand
69 a Church piece by Deneff

THE

Uſefulneſs of, and Reaſons for

A

PUBICK OFFICE,

For Regiſtring of SERVANTS.

'TIS too well known that the Irregularities of Servants are become a general Grievance, and their due Regulation would Commence the much deſired Reformation.

The preſent Liberty allowed to Servants to remove at Pleaſure, who are unwilling to be ſubject to the Government of well Rigulated Families, puts many out of Service, expoſeth them to a Vicious Life, increaſeth the number of *Thieves*, *Robbers*, *Pick-pockets*, *Shop-lifters*, *Vagabonds*, &c. and Promotes all manner of Wickedneſs and Debauchery.

To prevent which, 5. *Eliz.* It was Enacted, *That Servants ſhould not depart from their Service, without a Certificate from Maſters or Miſtriſſes, which Certificate was to be Regiſtred by the Parſon, Vicar or Curate, who for the Regiſtry of every Servant was to have Two Pence.*

But the Miniſter being under no Penalty, and the Trouble Great, and the Reward Small, and the Duty Required being no part of their Miniſterial Function, and apt to occaſion Differences with their Pariſhioners; for theſe and other Reaſons, the Execution of that part of this Statute hath been wholly neglected, and will never be duly Executed 'till the Miniſters are diſcharged of this Trouble, and the Execution thereof committed to other Perſons, whoſe intereſt may oblige them to ſee this Act to be duly and Univerſally obſerved.

In Order *to which, it is Humbly Propoſed that there may be an Additional Act that their Majeſties and Succeſſors may Appoint Officers to Erect Offices to ſee this Law duly Executed, and alſo to Regiſter all Servants Reſiding within the Kingdom:*

For the REASONS *following.*

I. It will be of great Advantage to every Family in the Nation, when Servants are thus obliged to demean themſelves well: In order to obtain a Certificate at their Departure.

II. It will be alſo a great Advantage to good and faithful Servants; who, by their Certificates, will be qualified for, and immediately received into Service, without the Expence of Time for Enquiries about them, or the Expence of Charge at the Intelligence Office to find out a Service, or troubling their Friends to Engage for their Fidelity.

III. This Act will much leſſen the number of Vagabonds, and all ſorts of Thieves and Robbers, and eaſe the Hundreds that ſuffer by Robberies; keep many from *Tyburn*; diſcover and ſecure Idle, Diſorderly, Suſpicious and Diſaffected Perſons; and conſequently in a great Meaſure, ſecure the Government and the Peace of the Kingdom.

Other Reaſons might be offered, but it is hoped theſe will give entire Satisfaction.

The CASE of the PURCHASERS UNDER THE Earl of Athlone.

THE Houſe of Commons of *England*, in the Year 1691. voted Thanks to the Earl of *Athlone* for his *great Services* in the Reduction of *Ireland*, and appointed a Committee *of themſelves to attend and acquaint him therewith.*

In 1693, their Majeſties King *William* and the late Queen *Mary*, did grant unto the ſaid Earl, in conſideration of his *ſaid Services*, two of the forfeited Eſtates of that Kingdom, *viz.* the late Earl of *Limerick's*, and the late Lord of *Slane's* Eſtate, both amounting to near 4000 *l. per Ann.* And in 1695. his Majeſty ordered a Bill to be prepared for confirming the ſaid Grants: Which Bill was agreed to by the Privy Council of *England*, and paſt under the Great Seal thereof; and by his Majeſty's ſpecial Command was tranſmitted in due form to the Parliament then ſitting in *Ireland*, who paſt the ſame into a Law with all the uſual Formality, and according to *Poyning's* Law, which Law ſo *particularly* ſubjects *Ireland* to *England*, *that no Law or Act of Parliament can be made in that Kingdom, but what is firſt approved by the Privy Council, and paſt under the Great Seal of* England.

The ſaid Earl ſoon after came into *Ireland*, and ſold part of the ſaid Grants to the Purchaſers and their Heirs for ever, under certain reſerved Rents. Which reſerved Rents, together with the Remainder of the Grants undiſpoſed of by the ſaid Earl, amount to 2220 *l. per Annum.*

The ſaid Purchaſers *knowing an Act of Parliament* of *Ireland*, *tranſmitted as aforeſaid*, to be *as good a Title as any Man hath to any Eſtate in* Ireland, bought under it, and paid *bona fide* (as hath been proved before the Truſtees) 17476 *l.* to the ſaid Earl for their Purchaſes, *and have ſince laid out very conſiderable Sums in Improvements.*

Notwithſtanding which Title (*which is ſo particular, that in* Ireland **no other Purchaſers under Grantees** *have the like*) the late Act of Parliament for ſale of the forfeited Eſtates in *Ireland*, hath veſted the aforeſaid Eſtates in the Truſtees, which will prove the Ruin of many of the Purchaſers and their Families, unleſs relieved by this Honourable Houſe.

The Caſe of the

PURCHASERS

UNDER THE

K. Grants (Grant de) Earl of *Athlone.*

A Correct TIDE-TABLE, shewing the true times of the *High-Waters* at *London-Bridge* to every Day in the Year 1688. By *J. Flamsteed* Math. Reg. & R. S. S.

Days.		January H.	M	February H.	M	March. H.	M	April. H.	M.	May. H.	M	June. H.	M	July. H.	M	August. H.	M	Septemb. H.	M	October. H.	M	Novemb. H.	M	December H.	M.
1	M	8	⊙ 07	9	54	9	40	11	⊙ 21	11	29			0	08	1	51	3	06	3	26	4	39	4	58
	A	8	37	10	31	10	17	11	48	11	49	0	15	0	⊙ 41	2	17	3	23	3	45	5	00	5	18
2	M	9	10	11	07	10	50					0	44	1	12	2	39	3	⊙ 35	4	05	5	24	5	⊙ 38
	A	9	44	11	43	11	22	0	12	0	13	1	12	1	41	3	00	3	56	4	26	5	50	5	00
3	M	10	19			11	52	0	35	0	38	1	⊙ 39	2	10	3	18	4	13	4	46	6	17	6	22
	A	10	55	0	15			0	57	1	02	2	05	2	16	3	36	4	32	5	09	6	44	6	44
4	M	11	30	0	45	0	⊙ 20	1	18	1	24	2	28	2	56	3	52	4	52	5	34	7	13	7	06
	A			1	12	0	46	1	38	1	45	2	50	3	16	4	10	5	14	6	04	7	⊙ 40	7	30
5	M	0	05	1	⊙ 37	1	10	1	57	2	06	3	11	3	35	4	⊙ 26	5	39	6	34	8	10	7	54
	A	0	39	2	00	1	32	2	15	2	27	3	30	3	52	4	45	6	08	7	06	8	36	8	20
6	M	1	09	2	19	1	52	2	32	2	⊙ 47	3	50	4	10	5	05	6	39	7	40	9	04	8	44
	A	1	36	2	36	2	10	2	49	3	06	4	09	4	26	5	25	7	12	8	15	9	31	9	11
7	M	2	02	2	52	2	27	3	05	3	24	4	28	4	45	5	49	7	49	8	⊙ 49	9	56	9	36
	A	2	25	3	07	2	43	3	21	3	42	4	48	5	04	6	14	8	23	9	21	10	23	10	03
8	M	2	⊙ 45	3	22	2	58	3	⊙ 36	4	00	5	09	5	24	6	41	9	00	9	55	10	49	10	31
	A	3	03	3	36	3	12	3	51	4	19	5	30	5	⊙ 46	7	13	9	39	10	26	11	15	10	59
9	M	3	20	3	50	3	26	4	10	4	40	5	53	6	09	7	47	10	⊙ 14	10	54	11	39	11	28
	A	3	35	4	03	3	39	4	28	5	01	6	16	6	34	8	23	10	⊙ 49	11	21			11	⊙ 57
10	M	3	50	4	16	3	53	4	47	5	24	6	⊙ 41	7	00	9	01	11	21	11	47	0	04		
	A	4	04	4	29	4	07	5	08	5	50	7	⊙ 08	7	30	9	40	11	52			0	20	0	26
11	M	4	18	4	43	4	22	5	31	6	17	7	35	8	02	10	19			0	11	0	⊙ 52	0	54
	A	4	33	4	58	4	⊙ 37	5	58	6	44	8	05	8	36	10	57	0	21	0	34	1	⊙ 15	1	20
12	M	4	47	5	⊙ 14	4	55	6	26	7	14	8	36	9	01	11	⊙ 31	0	46	0	56	1	37	1	47
	A	5	01	5	33	5	15	6	55	7	55	9	10	9	50			1	09	1	16	1	58	2	12
13	M	5	17	5	54	5	38	7	30	8	⊙ 17	9	43	10	27	0	06	1	31	1	37	2	20	2	34
	A	5	34	6	15	6	04	8	08	8	49	10	18	11	04	0	40	1	50	1	56	2	40	2	55
14	M	5	52	6	43	6	31	8	41	9	19	10	52	11	34	1	07	2	08	2	⊙ 15	3	00	3	14
	A	6	11	7	13	7	01	9	16	9	51	11	29			1	33	2	26	2	⊙ 32	3	18	3	33
15	M	6	⊙ 32	7	44	7	36	9	⊙ 51	10	23			0	18	1	55	2	40	2	40	3	35	3	51
	A	6	55	8	20	8	12	10	⊙ 26	10	57	0	04	0	⊙ 52	2	15	2	55	3	03	3	52	4	09
16	M	7	19	8	57	8	50	10	29	11	30	0	39	1	22	2	34	3	09	3	18	4	10	4	⊙ 26
	A	7	45	9	37	9	29	11	33			1	10	1	51	2	51	3	⊙ 24	3	34	4	29	4	⊙ 44
17	M	8	16	10	18	10	07			0	03	1	40	2	14	3	06	3	37	3	50	4	49	5	03
	A	8	49	10	59	10	47	0	05	0	33	2	⊙ 07	2	36	3	19	3	51	4	06	5	11	5	24
18	M	9	24	11	40	11	24	0	36	0	59	2	31	2	56	3	33	4	06	4	25	5	⊙ 33	5	45
	A	10	01			11	⊙ 58	1	04	1	33	2	55	3	13	3	46	4	21	4	43	5	58	6	07
19	M	10	38	0	16			1	31	2	01	3	14	3	29	3	⊙ 59	4	38	5	04	6	23	6	31
	A	11	18	0	⊙ 50	0	20	1	55	2	41	3	35	3	45	4	12	4	55	5	26	6	48	6	56
20	M	11	57	1	20	1	00	2	28	2	⊙ 51	3	51	3	58	4	24	5	14	5	51	7	15	7	22
	A			1	49	1	28	2	43	3	13	4	08	4	11	4	40	5	36	6	17	7	44	7	52
21	M	0	34	2	15	1	53	3	04	3	33	4	24	4	25	4	55	6	02	6	46	8	15	8	22
	A	1	08	2	36	2	16	3	24	3	51	4	40	4	39	5	12	6	29	7	⊙ 18	8	45	8	55
22	M	1	⊙ 39	2	56	2	38	3	⊙ 43	4	10	4	56	4	⊙ 53	5	30	6	58	7	52	9	16	9	29
	A	2	07	3	14	2	58	4	04	4	30	5	13	5	08	5	51	7	31	8	25	9	48	10	06
23	M	2	32	3	32	3	17	4	24	4	50	5	30	5	24	6	15	8	⊙ 05	8	57	10	22	10	⊙ 44
	A	2	56	3	49	3	35	4	45	5	10	5	50	5	41	6	41	8	⊙ 43	9	31	10	55	11	⊙ 21
24	M	3	15	4	06	3	54	5	07	5	31	6	08	6	01	7	11	9	20	10	04	11	29	11	56
	A	3	33	4	23	4	12	5	30	5	54	6	⊙ 28	6	22	7	43	10	01	10	38				
25	M	3	50	4	42	4	32	5	56	6	15	6	50	6	43	8	17	10	35	11	11	0	⊙ 03	0	37
	A	4	07	5	02	4	⊙ 53	6	23	6	38	7	11	7	08	8	52	11	11	11	43	0	⊙ 36	1	11
26	M	4	24	5	⊙ 21	5	17	6	49	7	01	7	34	7	35	9	⊙ 31	11	44			1	08	1	41
	A	4	42	5	45	5	42	7	18	7	25	7	59	8	05	10	10			0	13	1	38	2	09
27	M	5	00	6	15	6	10	7	47	7	⊙ 49	8	26	8	38	10	49	0	16	0	44	2	07	2	34
	A	5	20	6	46	6	39	8	17	8	15	8	54	9	13	11	26	0	46	1	12	2	38	2	56
28	M	5	41	7	18	7	09	8	46	8	41	9	23	9	50			1	13	1	⊙ 39	2	57	3	16
	A	6	05	7	52	7	42	9	13	9	05	9	53	10	27	0	03	1	39	2	⊙ 06	3	18	3	34
29	M	6	⊙ 32	8	28	8	15	9	40	9	31	10	25	11	⊙ 03	0	37	2	04	2	30	3	38	3	50
	A	7	01	9	08	8	49	10	⊙ 07	9	56	10	58	11	41	1	08	2	27	2	53	3	58	4	06
30	M	7	32		9	20	10	37	10	23	11	33			1	36	2	⊙ 48	3	14	4	17	4	22	
	A	8	04		9	53	11	00	10	51			0	18	2	01	3	⊙ 07	3	34	4	36	4	⊙ 37	
31	M	8	41		10	24			11	19			0	52	2	24			3	55			4	52	
	A	9	16		10	54			11	47			1	24	2	45			4	16			5	00	

M stands for Morning, A for Afternon, ⊙ for Sunday.

This Table may be made to serve the nnderwritten Places by

Adding	h.	m.
For *Tinmouth-heven Hartlepool*, and *Amsterdam*.	0	30
Breſt	1	00
Silly	1	45
Mounts Bay	1	55
Bridlington Peer, and *Humber*	2	00
Fowey Looe and *Plymouth*	3	13
Dartbmouth, Harborow, and *Hull*	3	30
Torbay and *Tinmouth*	3	40

Adding	h.	m
Exmouth, Topſham and *Lyme*	3	50
Weymouth	4	20
Bridgwater and *Texel*	4	45
Portland, Hareſtew, and without the *Vlie*.	5	40
Subſtracting		
For *Leith, Maes*, and *Gouries Gut*	0	15
Graveſend, Rocheſter, Rammekins	1	00

Subſtracting	h.	m.
For *Buoy* of the *Nore*, and *Fluſhing*	1	20
Shoe Beacon, Portſmouth, *Redſand* and *Oſtend*.	2	30
Spitehead, Harwich, Dover, Calice	3	00
Orfordneſſe, Gunfleet, Haſtings, *Shoreham, Diep*.	4	00
Needles, and *Yarmouth Peer*.	4	40
St. *Hellens* and *Haver de Grace*.	5	30

But note, That in ſuch of theſe Places as lie open to the Sea, and where no great Rivers are, the Quarter-moon-high-waters, hold out longer then the times ſhewed by this Reduction, near half an hour.

As alſo that, When by reaſon of long Droughts in *Summer*, or continual hard Froſts in *Winter*, the freſh Waters are low; or when the Wind blows hard at *N.* or *N. W.* the Tides may hold up longer in the *River of Thames*, then the times ſhewed in the Table. But when the Wind is ſtrong at *W.* or *W.* by *S.* or there are great Freſhes; they hold not out ſo long, but the difference is ſeldom above half an hour.

London: *Printed for* J. Stafford, *and are to be had at Captain* Bakers *at the* Three Pigeons *in St.* Pauls Church-yard. *And at Mr.* Mordents *at the* Atlas *in* Cornhill.

Imprimatur. *Carbery*, Reg. Soc. Præſes. *Novemb.* 3. 1687.

(Numb. 1.)

K. Neale (Thomas) Groom-Porter to their Majesties.

The PRIZES drawn at the PROFITABLE ADVENTURE to the FORTUNATE, in *Freeman's-Yard Cornhill*, on Wedneſday, Thurſday, and Friday, the 1. 2, and 3. of this Inſtant *November*, 1693.

THE Truſtees and *Goldſmiths* for the Profitable Adventure to the Fortunate, met in *Freemans Yard Cornhill, Octob.* 31. where in the Preſence of moſt of the Truſtees, *Goldſmiths*, and others, the Blanks being all firſt told and put into a great Cheſt, the 250 Benefitted Tickets were in their Preſence Rolled and Sowed up juſt like the Blanks, and then by Sir *William Forreſter* Cut off from a Book, and one after another delivered into the Hand of *Thomas Neale*, Eſq; and immediately by him put into the ſaid Cheſt, and there very well mixt with the Blanks, in the Sight and Preſence of Sir *William Forreſter*, Sir *Thomas Vernon*, Sir *William Gore*, Sir *Peter Paravicine*, Mr. *Robert Rawworth*, Mr. *Robert Beningfield*, Mr. *John Genew*, Mr. *John Johnſon*, Mr. *Richard Goodall*, Mr. *Richard Spencer*, Mr. *Richard Hoare*, Mr. *Thomas Williams*, Mr. *William Sheapherd*, Mr. *John Cogs*, Mr *Joſeph Fells*, Mr. *John Blackler*, Mr. *John Arnold*, Mr. *Henry Morſe*, Mr. *Dalby Thomas*, Mr. *John Thrael*, and others, who immediately after ſaw the ſame put into the Box, out of which they are to be Drawn, and that being then Sealed up.

The Numbred Tickets in like manner were then likewiſe brought in by the Reſpective *Goldſmiths*, and being firſt Cut from the Book, and by them Told, were afterwards Told by others of the Truſtees, and after put immediately into (and well mingled in) a great Cheſt, and then put into the Box and Sealed up, from whence they are to be Drawn; and both Boxes ſo Sealed were then put into a ſtrong Cheſt with five ſeveral Locks for that Purpoſe provided, and the Keys kept by Five of the ſaid Truſtees and *Goldſmiths*. Which ſaid Cheſt being on Wedneſday the Firſt of *November*, 1693. brought and ſet on the Table in the Preſence of almoſt all the Truſtees and many other Spectators, was then opened, and the Boxes aforeſaid being taken out, and alſo ſet on the Table to be Drawn by Blew-Coat Boys of *Chriſt's Hoſpital, London*.

The Numbred Tickets as well as the Blanks and Prizes are all to be opened and Read aloud, and in a Book Entred, and after Filed up. Which way of Proceeding, 'tis Hoped, will Content all Perſons Concerned in this Profitable Adventure; for whoſe further Satisfaction, ſuch Prizes as ſhall daily be Drawn will the next day be Printed.

The Prizes Drawn *Nov.* the Firſt, 1693. are as following:

No.		l.
48953	firſt Drawn	100
1696		100
8801		20
11733		100
17122		20
37828		40
36521		2000
11348		20
36805		20
18548		100

The CASE
OF
Sir *FRANCIS FANE*
The Younger.

FIRST, The Bill ſetteth forth, that upon his Marriage he ſettled the Mannor of *Firbeck*, and Lands thereunto belonging, lying in the County of *York*, upon ſeveral Truſtees, to the uſe of himſelf for Life; the Remainder to *Hannah* his Wife for her Joynture; the Remainder to the Heirs Males of the Body of the ſaid Sir *Francis Fane* on the Body of the ſaid *Hannah* his Wife, the Remainder to the Right Heirs of Sir *Francis Fane* in Fee; ſo there is no other Remainder limited in the ſaid conveyance, which might be cut off, if Sir *Francis* and his Wife, and the Truſtees had joyned, they might have made a good Eſtate, without an Act of Parliament.

But there being a Leaſe for ninety nine years, of the ſame Mannor, and Lands to other Truſtees, for a Proviſion for Daughters Portions begotten by Sir *Francis* on the Body of his ſaid Wife, in caſe there were no Heirs Males: If the ſaid Truſtees had ſuffered a Recovery of this Eſtate, and the effect of the firſt Conveyance ceaſing, would have come in upon them, and veſted in Intereſt; ſo that this Leaſe without an Act of Parliament cannot be unſettled; nor can any good Eſtate be made, to a Purchaſer. The Act further ſets forth, that there being ſome incumbrances upon the ſaid Mannor of *Firbeck*, undiſcharged before the ſaid ſettlement: and that he the ſaid Sir *Francis* hath contracted ſome Debts ſince, is deſirous that the ſaid Debts might be paid, and Incumbrances diſcharged: But having no other Lands which he can expoſe to ſale, which will be ſold at ſo good a rate, as the ſaid Mannor of *Firbeck*, The ſaid Sir *Francis* hath prevailed with *John Ruſhworth* Father of the ſaid *Hannah*, and with the Truſtees to conſent to the ſale thereof; provided always, that the ſaid Sir *Francis* do ſettle an Eſtate equivalent, to the value of the ſaid Mannor and Premiſſes.

And it is particularly expreſſed in the ſaid Act, what Eſtate the ſaid Sir *Francis* doth ſettle, in lieu of the ſaid Mannor, as a Proviſion for a Joynture for his ſaid Wife, for the good of the Heirs Males, and for Daughters Portions in caſe of no Heirs Males; and hath (by Deed in Writing under his Hand and Seal) ſettled that Eſtate accordingly in caſe it pleaſe the Parliament to paſs this Act; wherein the conſent of all parties doth concur accordingly.

(Numb. 2, 3.)

* *Note that* m *signifies* 1000

The Prizes Drawn *Novemb.* the Second 1693. are as following,

No.		l.
23 m	120	40.
40 m	360	40.
40 m	364	20.
47 m	850	50.
4 m	967	40.
14 m	496	300.
30 m	741	40.
43 m	279	20.
23 m	268	20.
35 m	055	100.
14 m	445	20.
17 m	818	50.
36 m	940	200.
2 m	171	20.
31 m	858	40.
19 m	935	40.
48 m	237	40.
39 m	751	20.
30 m	750	2500.

The Prizes Drawn *Novemb.* the Third 1693. are as following,

No.		l.
5 m	338	50
25 m	740	40
3 m	625	20
9 m	387	20
4 m	954	100
19 m	181	20
7 m	385	20
26 m	609	50
11 m	067	20
1 m	383	20
34 m	926	20
28 m	994	40
3 m	024	100
28 m	733	20
36 m	340	20
46 m	020	50
42 m	848	50
37 m	762	20
37 m	161	100
49 m	208	40
4 m	811	20
9 m	552	50
43 m	150	50
4 m	096	50
38 m	408	20
37 m	488	40

Note, That Numb. 21 m 71, was Miſtaken by the Printer in the Second Days drawing, which ought to have been 2 m 171. Prize 20 *l.*

This is a True Account of the Lots drawn *Novemb.* the *1ſt.* 2*d.* and 3*d.*

THO. NEALE.

The Drawing will daily continue till ended, and an Account of every Days Lots will be Printed and Publiſhed every Morning, by F. Collins, *in the* Old Baily. 1693.

K. III. 9. (1)

To the Honourable the Commons of England *in Parliament Aſſembled; Is humbly Repreſented to You a ſhort View or Abſtract of ſeveral Letters, which I happened to look o're, ſome time ſince; which Letters were ſent from the Collectors of His Majeſty's Cuſtoms of this Port of* Briſtol, *Directed to* Daniel Ballard *his Clerk, then Manager of that Revenue in his Abſence.*

WHICH Letters conſiſt of his being Concern'd in Trade and Shipping, contrary to Act of Parliament, and the diligent Care he took in diſpoſing of the Narrow and Clipt Money, whether for the Intereſt of the Government, or his own, Your Honors will be the beſt Judges.

December the 4th, 1693.

A receipt for 10*l.* towards paying a Second Expence for the Ship Betty Privateer, received by Capt. *Earl*, of *Daniel Ballard*, upon Account of the fore-mentioned Collector.

The 7th of *December*, 1693.

As to the Betty Privateer, you muſt pay my Share till ſhe can Sayl.

Another of the ſame Month.

I am glad the Privateer is Sayled.

February the 24th 94.

Let me hear how things go on: I am ſorry there is any Loſs at the Glaſs-Houſe, but that muſt be as well as others: I ſhould be glad to hear you had Cuſtom enough for your Bottles; the Betty Privateer got well and quick.

April the 10th, 1694.

Go to Capt. *Earl*; give him my Service, and deſire to know what he hath done for the Owners towards defraying of our Great Charge. I deſire to know what he hath done: I hope ſome good for Us, which I deſire to know, and what the Privateer is to do farther.

April the 14th, 1694.

If the Joſeph, or any Ship Arrives where Mr. *Carey* is concern'd in, let me know; I mean by Mr. *Carey*, that any Ship he is concern'd in; Immediately give me Notice.

Novem.

November 17, 1694.

If any Money ſhould be drawn upon you to pay by Mr. *Knight*, or any other hand, for the Officers or Soldiers that Quarter in *Briſtol*, pay none till you acquaint me, or that they do agree to allow for ſuch Return 3d *per* Pound; this I will have, if you pay any upon Return, for the Soldiers Uſe and Quarters.

November the 22th, 1694.

I ſhall ſend down *Capias*'s very ſuddenly againſt all the Merchants to take them all up, and hold them to Special Bayl; therefore Acquaint Mr. *Carey*, Mr. Alderman *Pope*, and other Friends, for 'twill not be in my Power to ſerve them any longer. Once more I deſire you to ſpeak to Mr. *Carey*, Mr. *Pope*, and other Friends.

The laſt of *January*, 1694.

Mr. Alderman *Pope* muſt pay all, but deliver the incloſed; but ſay nothing of it. See what he ſays to you about my Money; Read Alderman *Pope*'s Letter incloſed; Seal it, and take his Anſwer and ſend it to me.

March 10th, 1694.

Bring up all the Bonds due to the King; alſo thoſe Bonds of *Stancome* and *Wheeler*; as to that Bond of Mr. *Carey*'s, given laſt Year, leave that in the Iron Cheſt.

May the 2d 96.

Remember after the fourth of *May*, to buy bad Silver by the Ounce, or elſe 3 *s.* or 4 *s.* in the Pound for broad Money the People will give; Be ſure cull out all the broad Money, and keep it till I come home to order it, not letting any body know it; Mind what I now ſay to you, I mean People will give bad Silver and ſmall Clipt for broad Money, as they do here 20 *s.* bad per Clipt for 16 *s.* broad and paſſable Money.

Another

My Service to Mr. *Bayly*; you may acquaint him if he hath any bad Silver Money, now is the time to be rid of it.

October the 29th, 1696.

We have made a Vote that Clipt Money and Hammer'd Silver Money ſhall go by Weight at 5 *s.* 2d by the Ounce betwixt Man and man, and in Taxes and at the Mint, for 5 *s.* 8d by the Ounce, as now; therefore keep this to your ſelf, and get what Weighty Hammer'd Money you can, which we may make the 8d Advantage of; Mind this.

Theſe Letters with many others, were deliver'd into the Hands of Eſq; *Henly* of this City; with a Note under the hand of Mr *Jo. Elbridg* his own Writing, containing a Particular of ſeveral Summs of bad and Clipt Money, paid into the King's Receipt by the forementioned Collectors and others; which note will lead Your Honors to a further Inquiry into the many Frauds and Concealments of this place. This I do for the Intereſt of the Government, and Service of my Country, as I am

Briſtol Jan. 3d

Your Honours moſt faithful humble Servant.

G. M.

November 17, 1694.

If any Money ſhould be drawn upon you to pay by Mr. *Knight*, or any other hand, for the Officers or Soldiers that Quarter in *Briſtol*, pay none till you acquaint me, or that they do agree to allow for ſuch Return 3d *per* Pound; this I will have, if you pay any upon Return, for the Soldiers Uſe and Quarters.

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The laſt of *Jannary*, 1694.

Mr. Alderman *Pope* muſt pay all, but deliver the incloſed; but ſay nothing of it. See what he ſays to you about my Money; Read Alderman *Pope* s Letter incloſed; Seal it, and take his Anſwer and ſend it to me.

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Briſtol Jan. 3d 1695

Your Honours moſt faithful humble Servant.

G. M.

Counter Queries.

AS the reſtleſs Spirits of a Party of Men among us are ever buſie, ſpreading Diviſions, and raiſing Factions, at a time, when the greateſt Union imaginable is abſolutely neceſſary, both to ſupport the Alliance in a Time of a Tedious and Expenſive War, and to diſcourage her Majeſty's Enemies, who oppoſe both her Perſon and Government in behalf of the Pretender: So it is remarkable, that an unuſual, and indeed an unheard of Invaſion of her Majeſty's undoubted Prerogative, is made the Great and Leading Argument in the Mouths of theſe People, to propagate their Wicked Deſigns; as if her Majeſty had not the ſame undoubted Right to chooſe by what Inſtruments the Adminiſtration of the Government ſhall be carry'd on, as ſhe has to the Government it ſelf: As if her Majeſty's Servants were to be put upon her by her Subjects; or that they had an hereditary Title to the Offices they poſſeſs'd.

Not content with this, They are now buſie in ſuggeſting to the People, That the Nations Peace is endanger'd by the Queen's diſplacing a few Men about her, who (having ſo long govern'd her Affairs, that they began to claim an excluſive Right to it) would fain perſwade us, no Body could do it but themſelves; and plainly tell her Majeſty, They are injur'd in being remov'd; Tho' like the Servant, who having ſtaid too long in a good Place begins to play the Miſtreſs; They began to treat the Queen with unſufferable Inſolence, and thought it hard to let the Queen beſtow a Regiment in the Army, where Merit, and her Majeſty's Judgment, directed.

Tho' theſe things ſpeak for themſelves, and need no Explication; yet ſince the Age is very apt to be impos'd upon, and a certain Party are very buſie to impoſe upon them; They who are not reſolv'd to be ſelf-deluded, nor willing to be deluded by others, may ask themſelves the following Queſtions.

I. *Whether*, ſince the Queen has always govern'd by Law, and maintain'd her Subjects in their juſt Liberties, it is not reaſonable her Majeſty ſhould a little enjoy ſome Liberties of her own?

II. *Whether*, if the Queen may not place and diſplace her Servants, as ſhe ſees fit, without giving an Account of the Reaſons *Why*; her Majeſty has not ſomething leſs Authority, than every Citizen's Wife claims in the Common Government of her Family?

III. But ſince Reaſons are expected from her Majeſty in this Caſe, *Whether* the exorbitant Ambition of a Family, which the preſent Complainers were within few Months as warm againſt, and as diſſatisfy'd with, as now they ſeem fond of, is not a ſufficient Reaſon?

IV. *Whether* the People of *England* are not ſtrangely alter'd, who are particularly remark'd in the World, for their being Jealous of the too Great Growth of Favorites; That they ſhould now deſire to promote what they have always apprehended was dangerous to their Liberties?

V. *Whether*, to pin down the Queen to the Adminiſtration of a Sett of Men, whom her Majeſty ſaw good Grounds to be weary of, was not next Door to Voting her Majeſty either Idiot or Lunatick, That She ſhould require to have her Servants become her Governours?

VI. *Whe-*

VI. *Whether*, ſuppoſing all the Merit the Family pretends to, were true; The Enjoying the greateſt Places and Profits of the Nation for near Ten Years, is not a ſufficient Reward to them: and *whether* in thoſe Ten Years, it cannot be made appear, They have among them gain'd from the Nation, above *Twenty hundred thouſand Pounds?*

VII. *Whether*, if they ſit down with this Treaſure, and are not call'd to an Account for the Exorbitances they have amaſs'd it by; They do not enjoy a different Fate from all the Favorites that have ever gone before 'em; and withal, ſomething more than they have Reaſon to expect?

VIII. *What Reaſon* can be given, more than the already Exhauſted Wealth of the Nation, *Why* the New Miniſtry ſhould not manage the Nation's Treaſure as honeſtly, as frugally, and as ſucceſsfully as the Old?

IX. *Whether* the Nation's Credit, of which ſo much Noiſe is made, may not as well be ſupported by the preſent Commiſſioners, as by the Old; and *Whether* the Navy and Victualling-Bills running at 30 *per Cent.* Diſcount, are any Proof of the National Credit?

X. *Whether* the Reſolution taken by ſome People to run down the Publick Credit, in order to oblige the Queen by force to come again into their Hands, is not as much a Plot upon the Nation as upon the Queen; and *Whether* it is not an evident Proof, that theſe Men have leſs Concern for the National Intereſt, than for their Party?

XI. *Whether*, after all the Boaſts of the Party, it will be in their Power, to ruin the National Credit, tho' they ſhould keep as much Money out of the Public, as they can?

XII. *Whether* it is not as much the Advantage of that Party *to put in* their Money, as it is the Governments *to receive* it; and *Whether* the Intereſt of the Funds has not been as neceſſary to the People, as the Loan of Money has been to the Government?

XIII. *Whether*, ſuppoſe the Party ſhould gain their Point, and cauſe a general Stagnation of Credit, (which they cannot do) who do they think to injure by this Matter, the NEW MINISTRY, *who are accountable for nothing in it*, or THEMSELVES? And if either an unſettled Peace, or an unſucceſsful War, ſhould be the neceſſary Conſequences of it, who ought to be DE WITTED for it, The *New Miniſtry*, or the Party?

XIV. *Whether*, in Caſe ſuch a general Refuſal of Lending Money as is ſuggeſted, ſhould be brought to paſs; the Parliament of *Britain* may not find a way to carry on the War, without any New Loans; and perhaps a little particularly at the Expence of the Party that would hinder it?

XV. *Whether*, if the Parliament ſhould be oblig'd to take ſuch Meaſures, the Party would not juſtly incurr the Indignation of the People of *England*, for bringing that neceſſity upon 'em?

XVI. *Whether* the Duke of *Marlborough* has any hereditary Title to the Command of the Army of *Britain*; and *Whether* the Succeſſes are a Title to him to make Claim to that Command during the War?

XVII. *Whether* God's Bleſſing upon her Majeſty's Arms, to which all our Succeſſes are owing, is a Peculiar to the Queen, to the Proteſtant Intereſt of *Europe*, or to the Perſon of the General?

XVIII. *Whether* offering the Command to the Elector of *Hanover* is not a convincing Evidence, that the New Miniſtry have receiv'd Bribes from *France*, and are in the Intereſt of the Pretender; And *Whether* they who ſuggeſt ſuch a Thing, without being able to prove it, do not Merit the Gallows equally with a Murtherer?

F I N I S.

A

SPEECH

Lately Made by a

Noble Peer of the Realm.

TO THE

PARLIAMENT.

My L——ds and G——t——n,

IN this great Debate concerning the K—'s *Sp—— the ſad State and Condition we are in*, and the Remedies thereof; I have Offered You my Opinion, and many L--ds have ſpoken admirable it, well to with great Freedom and Plainneſs, as the Cauſe requires,

But my L——ds, what I roſe up to ſpeak, was to my L—d of the *B——*, that ſpoke laſt, and ſits behind me; Who, as he hath the greateſt Influence in our preſent Councils, ſo he hath let fall to you the very Root of the matter, and the Hinges upon which all turns; He tells you that the H——e of C——s have lately made offers to the K——g, and he wonders we do not expect the K——gs Anſwer to them, before we com into ſo hot and high Debates.

He tells you, if the K——g be aſſured of Supplies we cannot doubt of his Complyance in this and all we can aſk; for otherwiſe the K——g ſhould fall into that, that is the worſt condition of a P——, to have his People have no confidence in him. My L——ds, This is that I know they put the K——g upon, and this is that *we muſt be ruined by*, if we may not with *Freedom* and *Plainneſs* open our Caſe.

My L--ds, 'Tis a very hard thing to ſay *that we cannot truſt the K--*; and that we have allready been deceived ſo often, that we ſee Plainly the apprehenſions of *Diſcontent* in the People, is no Argument at Court. And though our P—— be in himſelf an Excellent Perſon, that the People have the greateſt Inclinations imaginable to Love Him; But how plain and how many are the proo's of the *Deſign to murther him?*

My L——ds, I hear of a *Bargain* in the H——e *of C——s*, and an *Addreſs* made to the *K——g*; but this I know, and muſt *boldly ſay it* and *plainly*, that the N——n is *Betray'd* if upon any Terms we part *with our Money* till we are *ſure the K—— is our*; have what *Laws* you will, and what Conditions you will, be of *no uſe* but *waſt Paper* before *Eaſter*, if the C——t have *Money to ſet up for P—— and A——y Deſigns in the mean while.*

On the other Hand give me leave to tell you, my L——ds, the K—g hath no reaſon to diſtruſt his People; no man can go home and ſay, that if the K——g comply with his People they will do *nothing for him*; but tare all up from him; we want a *Government* and we want a *P——* that we may *truſt*, even with the *ſpending* of *half* our *Annual Revenus*, for ſome time, for the *Preſervation* of theſe Nations.

The growing Greatneſs of the *French* cannot be ſtopt with a little Expence, nor without a real and hearty *Union* of the K——g and his People. It was never known in *England* that our P——es wanted Supplies either for their Forreign Deſigns, or for their Pleaſures; nothing ever ſhut the *Engliſh Purſes* but the fears of having their *Money* uſed againſt them.

The hour that the K——g ſhall *ſatisfie the People*, that what we give is not to make us *Slaves* and *Papiſts*, he may have what he will; and this your L——ſ——ps know and all mankind that knows us: Therefore let me plainly tell your L——ſ——ps, the *Arguments* that the preſent Miniſters uſe, is *to Deſtroy the K——*, and not *Preſerve him*: For if the K—— will firſt ſee what we will do for Him, it is impoſſible if we are in our *Senſes* we ſhould do any thing.

But if he will firſt ſhew that he is *intirely ours*, that he *Weds* the *Intereſt* and the *Religion* of the *Nation*, 'tis impoſſible he ſhould *want any thing* that we can *give*.

But I ſee how the Argument will be us'd: Sir, they will do nothing for you, what ſhould you do with theſe men: But on the other Hand I am bold to ſay.

Sir, You may have any thing of *this Parliament*; *put away theſe Men, change your Principles, change your Court, and be your ſelf*; for the K—— himſelf may have any thing of us.

My L——ds, if I have been too *plain*, I beg your Pardon; I thought it was the *Duty* of an *Engliſh Nobleman* at this time to ſpeak *plain or never*.

I am ſure I mean well: and if any man can anſwer or oppoſe Reaſon to what I ſay, I beg they would do it; for I do not deſire or propoſe any Queſtion.

I beg this *Debate* may laſt for ſome dayes, and that we may go to the *bottom* of the *matter*, and ſee if theſe things are ſo or no, and what Cure there is of the Evil we are in; and then the Reſult of your Debates may produce ſome proper Queſtion.

However, we know who *hears*, and I am *glad* of this, that your L——ſ—— ps have dealt to *Honourably* and ſo *clearly* in the *K——s preſence* and in the *K——s hearing*, that he cannot ſay he wants a *right State of things*; he hath it before him, and may take Councel as he thinks fit.

FINIS

LONDON, Printed in the Year 1701.

ſtance whereof he is a remnant: there is a ſcore of Kings in a Committee, as in the reliques of the Croſſe there's the number of twenty. This is the Gyant with the hundred hands that weilds the Scepter, tyrannicall Bead-Roll by which the Kingdome prayes backward, and with a kind of *Rebus*, at every Curſe drops a Committee-man. Let *W*—— be wayved, whoſe conducing clemency aggravates the deſection, and make *Nero* the queſtion, better a *Nero* then a Committee. There's leſſe execution by a ſingle bullet then by eaſe ſhot

Now a Committee man is a party coloured Officer, he muſt be drawn like *Janus* with Croſſe and Pile in his countenance, as he relates to the Souldiers, or face about to his fleecing the country. Look upon him martially, and he is a Juſtice of War; one that hath bound his *Dalton* up in Buff, and will needs be of the *Quorum* to the beſt Commanders; he is one of *Mars* his Lay-Elders. he ſhares in the Government, though a Non conformiſt to his bleeding Rubrick; he is the like Sectary in arms as the Platonick is in love, keeps a flattering diſcourſe, but proves Haggard in the action; he is not of the Souldiers, and yet of the flock; it is an Emblem of the golden Age (and ſuch in deed he makes it) to him, when ſo tame a Pigeon may commerce with Vultures Me thinks a Committee hanging about a Governour, and Bandileers dangling about a fur'd Alderman, have an Anagrame reſemblance; there's no Syntax between a Cap of maintenance and a Helmet: Who ever knew an Enemy routed by a Grand-Jury and a *Billa vera?* It is a left handed Garriſon where their authority perches; but the more perpoſterous the more in faſhion: the right Hand fights while the left Hand rules the reines: the Truth is the Souldier, and the Gentlemen are like *Don Quixot* and *Sancho Pancka*, one fights at all adventures to purchaſe the other the government of the Iſland. A Committee-man properly ſhould be the Governors Matroſſe to fit his truckle, and to new-ſtring him with news of War for his chief ufe, to raiſe Aſſeſſements in the neighbouring Wapentake.

The Country-people being like an Iriſh Cow, that will not give down her milk unleſſe ſhe ſee her Calf before her: Hence it is he is the Garriſons dry Nurſe, he chews their contribution before he feeds them; ſo the poor Souldiers live like *Trochilus*, by picking the teeth of this fated Crocodile.

So much for his Warlike or Ammunition face, which is ſo preternaturall, that is rather a vizard then a face *Mars* in him hath but a blinking aſpect, his *face of Arms* is like his *Coat*, *partie per pale*, Souldiers and Gentleman much of a ſcantling.

Now enter his Taxing and deglubing face, a ſqueezing look, like that of *Vespasianus*, as if he were breeding over a cloſe-ſtoole. Take him thus, and he

he is the Inquiſition of the purſe; an authentick Gypſie, that nips your lung with a canting Ordinance; not a Murthered fortune in all the country but bleeds at the touch of this Maleſactor. He is the ſpleen of Body politick. that ſwells it ſelf to the Conſumtion of the whole: At firſt indeed he ferreted for the Parliament, but ſince he hath got of his Cope, he ſet up for himſelf, he lives upon the ſins of the people, and that's a good ſtandingdiſh too, he verifies the Axiom, *Iisdem nutritur ex quibus componitur*, his diet is ſuitable to his conſtitution. I have wondered often why the plundered Country-men ſhould repair to him for ſuccour, certainly it is under the ſame notion as one whoſe pockets are pickt goes to *Mol Cut-purſe* as the predominant in that faculty.

He out-dives a *D—h* m——, gets a Noble of him that was never worth ſix pence, for the pooreſt eſcape not but *D—h* like, he will be dreyning even in the drieſt ground; he aliens a Deliquents eſtate with as little remorſe as his other Holineſſe gives away an Hereticks Kingdome, and for the truth of the delinquency, both Chapmen have as little ſhare of Infallibility. Lye is the Grand Sallad of arbitrary Government, Executor to the *Star-Chamber*, and High-Commiſſion; for thoſe Courts are not extinct, they ſurvive in him like Dollars changed into ſingle moneys. To ſpeak the truth, he's the vniverſall Tribunall: For ſince theſe times all cauſes fal to his Cognizance, as in a great infection all diſeaſes ofc turn to the Plague. It concerns our Maſters the Parliament to look about them, if he proceeds at this rate, the *Jack* may come to ſwallow the *Pike*; as the Intereſt often eats out the principall. As his commands are great, ſo he looks for a reverence accordingly. He is very punctuall in exacting your hat, and to ſay right, it is his due; but by the ſame tittie, as the upper garment is the vails of the executioner. There was a time when ſuch cattel would have hardly been taken upon ſuſpition for men in office, unleſs the old Proverb were renewed, that beggers make a free Company, and thoſe their Wardens. You may ſee what it is to hang together. look upon them ſeverally, and you cannot but fumble for ſome thirds of charity, But oh they are Tarmagants in Conjuction! like Fidlers who are rogues when they go ſingle; and joyned in conſort, gentlemen Muſitiners. I care not much if I untwiſt my Committee-man, and ſo give him the receipt of this grand Catholican. Take a State Martyr' one that for his good behaviour hath paid and excile of his ears, ſo ſuffered captivity by the Land-Piracy of Ship money, next a Primitive freeholder, one that hates the King, becauſe he is a Gentleman tranſgreſſing the *Magna Charta* of delving *Adam*. Adde to theſe a mortified Bankrupt that helps out his falſe Weights with ſome ſcruples of conſcience, and his peremptory ſcales can doom his Prince with a *Mene tekel*. Th

A moſt impartial ACCOUNT ſent in a

LETTER from *HOLLAND*,

To a Perſon of QUALITY in *LONDON*,

Concerning

JOHN VANDER SCHEIDAM,

A Dutch Skipper,

Who in his Voyage to the North, met with moſt Terrible unknown Monſters; moſt Wonderful Mountainous Icy Iſlands, upwards of a gree or 60 Miles in Length, which ſhews by undeniable Arguments, to have been the Real Cauſe of the late Ten Years Cold, and unſeaſonable Weather in England, Scotland, *&c. With his Proſpect of a proſperous fair Weather for the future; Confuting the ſeveral Predictions of* J. Partridge, *&c.*

IT has been a common Obſervation, that for about ten years laſt paſt, the Summers have been very unſeaſonable, which has cauſed great Scarcity in all the more Northern Parts of *Europe*, but more particularly in thoſe Countries that are ſeated nearer the North Pole. The News Letters have given us an Amazing Account of above Forty Thouſand that died in one Year of Famine in *Lieſland* and the adjacent Provinces. Of this, our Aſtrologers have Aſſigned various Reaſons; Some have attributed it to a particular Effect of ſome Conſtellations, but never could ſatisfie any Body what they were, and ſo left it wrapt up in unintelligible Univerſalities? Others who would be thought more Pious, making Reflection upon the great Inundation of all ſorts of immorality, and the great Growth of Libertiniſm and Atheiſm, have attributed it to a particular Judgment of God Almighty. Others, of which there have not been a few here in *England*, have arrived to that pitch of Madneſs, that rather than agree with the abovementioned Reaſons, have had the Impudence to aſſert, That the Earth was remov'd from its Center; and that by an Earthquake we were all removed ſeveral Degrees more Northward, and that we ſhould remain in that Poſture till another Dream'd of Earthquake removed us back; and that till then, *France* would remain in the Climate that *England* formerly was in; *England* where *Scotland*, and ſo of other Parts, which was a melancholy Theme for our great Claret Drinkers, who were not till then to expect any more *Bordeaux* Wine; and ſo with Sighs concluded, that the Parliament have ſaved themſelves the Trouble of Impoſing a Duty upon it, which amounted to a Prohibition. So Learnedly concluded the Reeling Senators of *Bacchus*.

But we have lately received an Account from a *Dutch* Skipper belonging to the *Greenland* Trade, that will in a great meaſure clear up the Difficulty, and at the ſame time give us a pleaſant Proſpect of happy Seaſons for the future. This Tract is the Printed Copy at *Amſterdam*, Addreſſed to the Directors of the *Greenland* Company, in that Famous City.

John Vander Scheidam, an Antient Skipper of *Amſterdam*, who had a long time followed the *Greenland* Trade, had ſo Considerably Enrich'd himſelf, that he reſolved to give it over, and to live at Eaſe at home with his Wife and Children; which Reſolution he put in execution a conſiderable number of years ago. But going frequently to Coffee-houſes, and other publick Rendevouzes of Merchants, for his Diverſion; gave ſo great Proofs of his Ability, that his Company was extreamly coveted by the Directors of the *Greenland* Company, who look'd upon themſelves to be in a ſinking Condition, and that nothing was likelier to retrieve them than a Man of his Experience, to direct the Fleet and the Fiſhery. Accordingly they addreſs'd themſelves to him, being then above 70 Years of Age, and promiſed him conſiderable Advantages, but found him deaf to all Promiſes and Rewards; then they remonſtrated to him the great Service he would do his Country and Thouſands of Poor that depended upon that Trade. This gave him ſo ſenſible a

Touch

Touch, that he agreed to their Proposals. Accordingly last year early in the Spring, he Embarqued, and had a very prosperous Gale, and being arrived at the place which has been frequented by Fleets of late years, for the Whale Fishing; Our Experienced Pilot took an observation, and found they were above twelve degrees short of the place where the Antient Fishing was; whereupon he gave orders to Sail more to the *North* and by *West*, but before they were Sailed above half the Distance, which is but ten Leagues, they found the Ocean all of one solid piece of Ice, so that they were forced to return to the place they had left, and make the best of a bad Market; They made but an indifferent Voyage, and return'd home at the usual time. Then our Pilot gave the Directors this following Reasons of the failure of the Fishery; But observing the violent Storms that happened last Winter, and especially the prodigious Winds that raged a great part of that Season in the *North* and *North West*, he concluded with himself, that probably they might break the Ice, and so the Fleet might reach the Antient place of Fishing, offered himself voluntarily a Second time. According to his directions, a Fleet was equipped early the Spring of this current year 1699, and our Noble Pilot Embarqued in the *Golden-Lyon* of *Amsterdam*; they found the Winds very high upon the Coast of *Norway*, and the Season very Cold, but when they came near the Height of the *North* Cape, one of the Seamen who was on the Main-top, cryed out, he saw a wonderful sight of Castles, Towns, and Mountains, directly before them in their Course, most of them were amazed, and some thought he was Mad; But after they had few Leagues pursued their Course, they plainly discovered them to be floating Islands of Ice; the Wind which then was violent, beat them one upon another, which made such a dreadful Noise, Yelling and Cracking, that a thousand Cannons discharged all at once, would be but a small Imitation of it. But the Wind slacking, they Tack'd about to be free of them, and had them on the Larboard side; some of them were a Degree or 60 Miles long, and of a great breadth. They observ'd upon them a prodigious Quantity of huge white Bears, which live by Catching of Fish; and some Foxes frozen to Death. They made a dreadful Roaring; and some came from the Ice, and swome after the Ships, hopeing for Prey; Several of them were shot by the Seamen. They no sooner had clear'd themselves of these, but they met others little less, with Ice as high as some Mountains, and some Shaggy Animals bigger than Bears, unknown in these Parts, who made a fearful Roaring. They found abundance of Bears drowned, which were supposed to have been carried upon the Ice, and as it broke into small and even small Flakes or was dissolved they finding no longer shelter, had committed themselves to the mercy of the Waves in that wide Ocean, and before they could reach other Icy Islands, were drowned. Upon one of them, a great many Leagues to the Northward of the North Cape, they found a Man and a Woman of Giant Stature, not a Yard high, all covered over with Bears-Skins, frozen to death, having several Fishing Instruments about them, and a little Boat made of Fishes Skins, and set out with the Bones of the same Fish, for Seats and other Uses.

The Pilot taking all the Precautions imaginable, happily pursued his Voyage, tho' they run great Risk among these dreadful Islands, and safely arriv'd at the antient Place of Fishing, where they discovered Whales of a prodigious Bigness, which rais'd Storms by their violent Motion in a Calm, Spouting up of Torrents of Water at their Nostrils. The Pilot having a happy prospect of a good Fishery, presently dispatched an Advice-boat, an excellent Sailor, to the Directors of the Company, who brought this Account.

From this Relation, we may with the greatest probability imaginable infer, the True Cause of the late Cold Summers; for the Winds coming from those Parts over a vast Ocean, Frozen into a solid thick Mountains of Ice, for above six hundred Leagues or upwards, and being of perpetual continuance for several years past, could not but cause in these Parts Cold Weather; as the Wind coming from the hot and parched Countries of the South, causes heat. Now the Ice being broken to the usual distance, will by degrees dissolve, and so the same Seasons return. And to this Great Frost must be attributed the great Dearness of Train Oil and Whale-bone, and not to the Wars, for Reasons abovementioned, tho' the Wars might be some small Impediment. 'Tis evident by all accounts that the North of *Scotland*, have suffered to a Miracle, being not many Leagues distance from these Icy Islands, having not for these seven years last past, had any Corn come to perfection, whereby to sustain Nature, thousands of them dying for want of Food. And 'tis as evident, That the Inhabitants of the North of *England*, have bore their Share, for the Corn, by reason of the Coldness of the Weather, in some places, did not come to any perfection at all, in other places so inconsiderable, that it yielded not Seed enough for the coming year, that 'tis incredible how many Families have perished for want of Sustenance.

LONDON, Printed by *D. Edwards* in *Fetter Lane*. 1699.

A ſhort Survey of the Loſs which is computed to be ſuſtained in England *by the* Exportation *of our* Clothing-Wool, *one Pack whereof, Weighing* 240 *Pounds, to be Wrought into fine* Broad-Cloth, *being ſufficient for the Employing of* Sixty Three *People at hard Labour for a Week; and double ſuch Number if Wrought into* Hoſe.

THIS *Pack of Wool* to be wrought into fine *Broad-Cloth* will be a ſufficient Employ for the ſaid *Sixty Three* People for a Week. (*Viz.*)

03 Men to Sort, Dye, Dry, Mix and Make the *Wool* fit for the Scribler or Stock-Carder.
05 Men to Scribble or Stock-Card it.
20 Women to Spin it.
20 Girls to Card it.
06 Men to Weave it.
02 Boys to Wind Quills.
07 Perſons (*viz.*) 6 Men and a Boy to Scowre, Burl, Full, Dreſs, Rack and Preſs it.

63

And the Cloth will then be Worth 50*l.*

	l.	*s.*
Computing the Wool at	12	00
Dying thereof and other Charges	03	10
Labour and Charge of Working the Wool into Cloth	31	00
The Clothiers Profit	03	10
	50	00

So that deducting the Value of the *Wool*, and the *Clothiers* Profit out of the ſaid 50*l.* our Loſs will be 34*l.* 10*s.* beſides what the King will loſe in his Cuſtom.

But if this one *Pack of Wool* was to be wrought into *Hoſe*, for which the King receives 7*d.* *Half-peny per Dozen* Cuſtom, there would then be employed in the Working thereof double the Number of People, (*Viz.*) 126. which would be a double Advantage to us.

Now, according to this Computation of 63 People being employed for a Week by the Working of one *Pack of Wool* into *Cloth*, *Thirty Thouſand Packs*, which have been actually Landed in three Ports of *France* in One Year, &c. (by which the King loſt *Seventy Five Thouſand Pounds* Cuſtom) would have employed in our Manufactories *One Million Eight Hundred Eighty Nine Thouſand Nine Hundred and Forty* People; and according to the abovelaid Computation of making the ſame into *Hoſe*, double the Number for the ſame Year.

What Loſs then have our Nation ſuſtained by the *Exportation* of our *Wool*, which ought to have been employed in our own Manufactories, &c. for the Maintenance and Support of the Poor, of whom many Thouſands are now ready to Starve.

England.—Parliament.—House of Lords [Petitions] 13

Conſiderations on the BILL for Settling the Trade to *Africa*,

Humbly Offered to

The LORDS Spiritual and Temporal in Parliament Aſſembled, in behalf of the Plantations.

THe Bill, as it now ſtands, Enacts, that a Duty of Ten *per Cent. ad Valorem*, ſhall be paid to the Company, for all Goods Exported, for the Maintainance of Forts and Caſtles.

Which Duty of 10 *per Cent.* is very unreaſonable, and a great deal too much, and that upon theſe two Accounts:

Firſt, It will fall the heavieſt on the Plantations, which can leaſt bear that Tax, and are moſt to be regarded, that Duty being ſo great, will render the Negroes the dearer to them.

Secondly, It is very unreaſonable, to pay the Company ſo great a Duty, where they are at no Charge to maintain Forts or Caſtles, and at the Places where moſt of the Negroes are purchaſed; *viz.* from River *Vultus* to *Angola*, and to Cape *Good-hope*, which is about 4000 Miles Sea-coaſt, there is not one Fort nor Caſtle, nor any thing like one, nor will the Negroes permit any to be built: Nor is there any Neceſſity for them, for by long Experience we have always found the Negroes to uſe kindly, and treat honeſtly and civilly, all Perſons that come to trade with them, nor ever prejudice any, unleſs they are cheated and abuſed; and ſince the Company are at no Charge to maintain Forts nor Caſtles, it will be a very heavy Tax on the Plantations, to pay a Duty, only to maintain the *African* Company in their Trade to other Places.

The Bill alſo Enacts ſeveral unuſual Oaths to be taken before any Ship can be permitted to ſail from *England*, one of which Oaths is, that the Maſter of the Ship ſhall ſwear, that the Manifeſt or Particular by him given in, and ſigned to, to the beſt of his Knowledge or Belief doth contain, ſpecifie and ex-

preſs all the Goods, Wares and Merchandize, which are laden, *or intended* to be laden, or put on board the Ship.

This Oath is both unreaſonable and impoſſible to be made, without great danger of Perjury; and that upon theſe two Accounts.

1. It is unreaſonable, in regard the Maſters buſineſs is only to give a Manifeſt or Content of the Marks and Numbers of every Parcel of Goods loaden on board his Ship; for it cannot be ſuppoſed the Maſter ſhould know what ſort of Goods the Merchant packs up, much leſs to ſwear to it.

2. It is impoſſible for a Maſter to ſwear what any Merchant *intends* to load on board his Ship, his Duty being only to take them on board when ſent, and at his clearing at *Cuſtom-houſe*, to give an Account of the Marks and Numbers of each Parcel, and by whom ſhipt, yet all this is to be done under the penalty of Forfeiture of Ship and Goods, and the danger of Perjury into the Bargain.

The Bill alſo Enacts, that the Maſter and one of the Owners ſhall enter into Bonds, in the penalty of the Value of Ship and Goods, that the Ship ſhall ſail directly from *England* to the Coaſt of *Africa*, and from thence directly to the Plantations, or to *England*.

This Bond is very unreaſonable, and deſtructive to the Trade it ſelf, and that upon three Accounts:

(1.) It will diſcourage and leſſen the Trade, few Merchants that are worth any thing, will willingly enter into ſuch Bonds, where the Penalties are ſo great, and the Conditions ſo hard to be performed, (always anſwerable for anothers Actions) for ſuppoſe the Maſter never ſo honeſt, yet his Men may mutiny and run away with the Ship, as they did two years ago with one of the Companies Ships, called the *Hanibal*, which Ship in her roving took another Ship, called the *Eagle*, and carried her to *Braſeel*; the *Hanibal* alſo met another Ship, called the *William*, who was never heard of ſince; the Maſter may dye, as often they do in thoſe Voyages, then the Care and Charge of the Ship falls on ſome other Perſons; and to be bound to make Good all their Digreſſions and Miſcarriages, will be very hard, this being to puniſh a Man for a Crime he did not commit, nor could any ways prevent.

(2.) It is very unreaſonable and ſevere, that after the Adventurer hath by the former Misfortunes loſt both Ship and Goods,

Goods, he ſhould be forced to loſe as much more, and pay ſo ſeverely for his Induſtry.

(3.) This being bound to ſail directly to the Coaſt of *Africa*, is very deſtructive to that Trade, and that upon two Accounts:

Firſt, Several Commodities not being to be had in *England*, without which the Trade to *Africa* for Negroes cannot be carried on, *viz.* Cowries, Black and White Baſts, Brawles, and ſome painted Callicoes, thoſe being the Goods moſt proper to purchaſe Negroes, ſo that the greateſt part of this Miſchief will fall upon the Plantations.

Secondly, This reſtraining the Liberty to procure Goods proper for the Negro Trade, is contrary to any Law now in force, and will put the Trader under the greateſt Diſadvantages and Difficulties, and at the ſame time make it eaſie and advantagious to the *Scotch*, *Dutch* and *French*, who will hereby be enabled to beat us quite out, and give them the whole Advantage of that profitable Trade with the *Spaniſh Weſt-Indies*, which they can by no other way attain to. Wherefore ſuch a Liberty, whereon ſo much depends, can never be the Intereſt of this Nation to reſtrain; no Law having as yet prohibited ſuch Liberty of Trade, and is therefore humbly hoped no New Law may be made, which is attended with ſuch ill Conſequences.

The Reſult of theſe Conſiderations muſt terminate in theſe two Points: *Firſt*, It will be too dangerous, troubleſome and hazardous, to engage in this Trade: And then, *Secondly*, Shall conclude it will be better to lay it aſide, and let our Ships lye by the Walls, than be perpetually in danger of being ruined.

By this means the Plantations will ſuffer for want of Negroes to carry on their Work; there is not a Negroe but makes as much Commodity in a Year, either Sugar, Tobacco, Indigo, &c. as will load one Tun of Shipping, the Increaſe of which Product will largely increaſe the Conſumption of the *Engliſh* Woollen Manufacture, Incourage Navigation, and Augment the Revenue of the Crown.

A great Quantity of the Product of our Plantation Commodities, will enable the *Engliſh* Merchant to make large Exportations to Forreign Markets, and put them into a Capacity to underſell all other Nations which vye with us in the ſame Commodities, which will not only diſcourage their Plantations, but encourage our own.

The Planters humbly Hope, the Care of the Plantations Intereſt and Welfare, will be of greater Moment to your Lordſhips than any Company with a Joynt-Stock can pretend to.

NOTES
ON
Mr. Danvers's Caſe.

Note. 1. THat an *Eſtate Tail* was not forfeitable for *Treaſon* till the Statute of 26 *H.* 8. Chap. 13.

2. That Statute makes an Eſtate Tail forfeitable by theſe words. Be it Enacted, *&c.* That every Offender or Offenders, being hereafter lawfully Convict of any manner of High-Treaſons, by Preſentment, Confeſſion, Verdict, or Proceſs of Outlawry, according to the due Courſe and Cuſtom of the Common Laws of this Realm, ſhall looſe and forfeit to the King's Highneſs, his Heirs and Succeſſors, *All ſuch Lands, Tenements, and Hereditaments, which any ſuch Offender ſhall have, of any Eſtate of Inheritance, in Uſe or Poſſeſſion by any Right, Title, or Means.*

Stat. 26 H. 8. 13 Chap. *laſt Paragraphe.*

Note. 1. The Perſon *muſt be Attaint*, before he forfeits any thing by this Act.

2. That after Attainder, he ſhall forfeit all *ſuch Lands* as he hath any Eſtate of Inheritance in, whether it be an Inheritance in Tail, or in Fee-Simple; The words being not *(All his Lands)*, but *All ſuch Lands as he hath any Inheritance in.*

Note. 1. That Sir *John Danvers* is not Convict or Attainted, and ſo forfeits nothing by this Act.

Stat. 12 *Car.* 2. 2. That by the Act of Indempnity, Sir *John Danvers* is *pardon'd* the Attainder, and all the Conſequents of it, upon his Eſtate. That: being excepted only to ſuch Forfeitures as ſhould be inflicted. So that if the Act of Pains and Penalties had not paſſed, he had forfeited nothing.

Note. That the Act of Pains and Penalties does not ſay Sir *John* ſhall forfeit, as in Caſe of High-Treaſon, or as it is in the Statute of 26 *H.* 8. *All ſuch Lands as he had any Eſtate of Inheritance in*; but that *All the Mannors, Meſſuages, Lands*, &c. of him the ſaid Sir *John Danvers*, &c. ſhall be forfeited: which is no more, than Sir *John Danvers* ſhall forfeit all *his* Mannors, *his* Lands, *&c.* that is, *all his Right in them*; but not an Eſtate Tail, which is his *Iſſues.*

Stat. 13 *Car.* 2. 15 Chap. 2*d Paragraph.*

Note. The Difference betwixt the Statute of *H.* 8. which makes Eſtates Tail *forfeitable*, and the Act of Pains and Penalties which makes Sir *John Danvers*'s Eſtate *forfeited.*

The firſt ſays, A Perſon Convict of Treaſon ſhall forfeit *all ſuch Lands as he hath any Eſtate of Inheritance in*, and conſequently an Eſtate Tail, for that *is an Eſtate of Inheritance.*

The other ſays, *All the Lands*, &c. of Sir *John Danvers* ſhall be forfeited: That is, Sir *John Danvers* ſhall *forfeit all his Lands*; which is no more than his Right in them, which is only a Fee-Simple, for the Entail is another's Right.

Conſiderations *on the* *BILL for Settling the Trade to* Africa.

Humbly Offered to the LORDS Spiritual and Temporal, in Parliament Aſſembled, in behalf of the Plantations.

Reaſons and Conſiderations humbly propoſed, why no Act of Attainder ſhould extend to make a Forfeiture of that part of the Eſtate of Sir John Danvers *deceaſed, which is come to his onely Son Mr.* John Danvers *an Infant.*

1. FIrſt, Mr. *John Danvers* is onely Heir of that Antient and Noble Family of the *Danvers's*, and Heir to the late Earl of *Dauby* his Uncle, and hath, with all that was left him by his Father (Sir *John Danvers*) but a moderate Fortune, to ſupport the Dignity and Memory of his Family.

2. His Father, Sir *John Danvers*, though in his life-time owner of a very great Eſtate, was ſo wrought upon by ſome about him, as to ſettle his Eſtate in ſuch manner, as that his then eldeſt ſon, Mr. *Henry Danvers*, ſince deceaſed, had power to diſpoſe of, and did diſpoſe of all of it by Will, (ſaving about twelve hundred Pounds *per Annum*) from his ſaid Father, and from his onely Brother, and from the name of *Danvers*, to his Siſters; and that during his minority, and in the life-time of his Father; and then dyed under age, and unmarried. By this means, Mr. *Villers*, (ſometimes called Viſcount *Purbeck*, who married one of the Daughters) and the children of the other Daughter (the Lady *Lee*) go away with far the greateſt part of Sir *John Danver*'s Eſtate, and about 1200 l. *per Annum* and no more, is with much ado reſcued from that ſettlement, to deſcend and come to Mr. *John Danvers*, the Heir of the Family, out of which his Mother hath a Joynture of about 500 l. *per Annum*, and 340 l. *per Annum* is paid out of it for Annuities and Rent-charges.

3. The ſmall Eſtate that belongs to this young Gentleman was not firſt acquired by Sir *John Danvers*, (his Father) but was formerly part of the Earl of *Dauby*'s Eſtate, and belonging to the Family of the *Danvers*'s.

4. Mr. *John Danvers* is but of the age of Nine or Ten years, or thereabouts, and by this means in ſome incapacity to make friends, and unable to defend his ſmall Eſtate, (his near kindred being ſuch as have gained the Eſtate from him, and been engaged in Sutes with him about the Eſtate) are therefore likely to prove enemies rather than aſſiſtants to him.

5. The Lady *Danvers* (Mother of the ſaid Infant) is very well known to be of a different Inclination and Judgment from her late Husband; and in the Education of her Son (her onely child) hath inſtructed him in better Principles.

6. And in the promoting of that Deſigne for his Majeſtie, for which Doctor *Hewet* was ſo bloodily murthered, ſhe teſtified her good Affection to his Majeſtie's Cauſe, and her Loyalty towards his Majeſtie, by ſending him 200 l. to advance his Majeſtie's ſervice.

7. And his Majeſtie's Enemies then in power, conceived her to be no friend to their unrighteous Cauſe, inſomuch that about the time of Sir *George Booth's* late appearing in Arms, ſhe the ſaid Lady *Danvers*, amongſt others, was ſuſpected, her houſe ſearched by Souldiers, and ſhe her ſelf carried before the then Councell of State; And a Kinſman of hers, who for divers years hath lived with her in her Houſe, who is a perſon that hath ever been very active in his faithful ſervice and loyalty to his Majeſtie, whom his Majeſty, ſince his happy Return, hath frequently owned to be a preſerver of his Majeſtie's life, when his Majeſtie was in greateſt danger.

8. And the ſaid Lady hath, for divers years, intruſted the education of her onely Child, and the direction of her whole Family in matters of Religion, to Doctor *Meredith*, a perſon eminent in his Sufferings for his Majeſtie's Father, who hath for all that time lived in the houſe with the ſaid Lady *Danvers*,

K. England. — Parl. — House of Lords. 13
[Petitions]

CONSIDERATIONS,

Touching the BILL for Settling the

TRADE

TO

AFRICA.

Humbly Offered to the Moſt Honourable Houſe of Lords:

In Behalf of

The Plantations.

ALL thoſe Commodities, as *Tobacco*, *Sugar*, *Cotton*, *Indigo*, &c. which are of the *Production* or *Manufacture* of the *Plantations*, are by *Engliſhmen*, in *Engliſh-Shipping*, brought into *England*; and from thence Sold into Foreign *Markets*, as ſo much of the *Product* or *Manufacture* of *England*; and accordingly *England* finds the *Advantage* thereof, in the *Ballance* of *Trade* with other *Nations*.

All thoſe *People* who are, or at any time ſhall be in the *Plantations*, muſt of neceſſity be *Cloathed*, and many of them *Fed* from *England*, they being permitted to Trade to no other Parts of *Europe*: which added to the Advantage of the great Returns they make of their *Commodities*, and the great Number of *Men* and *Ships* by them Employ'd, render the *Engliſh Plantations* more Beneficial both to the *Crown* and *Kingdom* of *England*, than any *Plantations* now in the World, are to the *Nations* they belong to.

And by how much the Greater, and more Univerſal the *Vend* and *Conſumption* of the *Plantations* grow, by ſo much the *Plantations* will become more profitable to *England*: So that the chief *Care* and *Policy* of *England* muſt be, to give all poſſible Encouragement to ſuch *Vend* and *Conſumption*; which can no way be done ſo effectually, as by capacitating the *Engliſh* to Under-Sell all others in Foreign *Markets*. Now the only Method to make the *Productions* and *Manufactures*

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4. Mr. *John Danvers* is but of the age of Nine or Ten years, or thereabouts, and by this means in ſome incapacity to make friends, and unable to defend his ſmall Eſtate, (his near kindred being ſuch as have gained the Eſtate from him, and been engaged in Sutes with him about the Eſtate) are therefore likely to prove enemies rather than aſſiſtants to him.

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6. And in the promoting of that Deſigne for his Majeſtie, for which Doctor *Hewet* was ſo bloodily murthered, ſhe teſtified her good Affection to his Majeſtie's Cauſe, and her Loyalty towards his Majeſtie, by ſending him 200 l. to advance his Majeſtie's ſervice.

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K. England — Parl. — House of Lords. B
Petitions

CONSIDERATIONS,

Touching the BILL for Settling the

TRADE

TO

AFRICA.

Humbly Offered to the Moſt Honourable Houſe of Lords:

In Behalf of

The Plantations.

ALL thoſe Commodities, as *Tobacco*, *Sugar*, *Cotton*, *Indigo*, &c. which are of the *Production* or *Manufacture* of the *Plantations*, are by *Engliſhmen*, in *Engliſh-Shipping*, brought into *England*; and from thence Sold into Foreign *Markets*, as ſo much of the *Product* or *Manufacture* of *England*; and accordingly *England* finds the *Advantage* thereof, in the *Ballance* of *Trade* with other *Nations*.

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And by how much the Greater, and more Univerſal the *Vend* and *Conſumption* of the *Plantations* grow, by ſo much the *Plantations* will become more profitable to *England*: So that the chief *Care* and *Policy* of *England* muſt be, to give all poſſible Encouragement to ſuch *Vend* and *Conſumption*; which can no way be done ſo effectually, as by capacitating the *Engliſh* to Under-Sell all others in Foreign *Markets*. Now the only Method to make the *Productions* and *Manufactures*

factures of the *Plantations*, Cheap, muſt be by making the Labour of the *People* in thoſe Countries as Cheap as poſſible; *Labour* being the chief *Material* in producing thoſe *Commodities*.

It is not poſſible to get White *People* enough, to Manage the *Plantations*; therefore it muſt be done by *Negroes*, or the *Plantations* muſt be ruined: and if the high Prices, or difficulty of Procuring *Negroes*, enable other *Nations* to Under-Sell any of the aforenamed *Commodities*, that *Plantation* whoſe *Commodities* are ſo Under-Sold, muſt of neceſſity be ruined; which will be a very great Prejudice to *England* likewiſe, by the loſs of ſo much *Trade*,

To avoid all theſe *Inconveniences* and *Dangers*, great Care ſhould be taken; becauſe other *Nations* do at this time, in ſome meaſure, make moſt of thoſe *Commodities* which the *Engliſh Plantations* produce; and all Encouragement imaginable ought to be given to the Importation of *Negroes* on the eaſieſt Terms, into the *Plantations*; every *Negro* there employing yearly at leaſt a Tun of Shipping, to bring to *England* the Produce of his Labour. So that the more *Negroes* are in the *Plantations*, the more the *Engliſh Navigation* is increaſed; and the more *Engliſh Manufactures* are conſumed.

But this Bill in many Particulars lays great Hardſhips, and almoſt inſuperable Difficulties on the Trade to *Africa*, and conſequently hinders the *Plantations* from being ſupplied with *Negroes*. Therefore 'tis humbly conceived to be prejudicial to *England*.

To paſs by very many things, which in other Caſes might be of weight, the *Greateſt Objections* againſt this *Bill* are Three.

Firſt, The Duty of 10 *l. per Cent.* impoſed by this *Bill* upon the *Trade*, is very Burthenſom and Diſcouraging, and indeed, more than is neceſſary, to defray the Charges the *Company* pretend to be at; the private *Traders*, who 'tis *Humbly preſumed*, underſtand the *Trade*, at leaſt as well as the *Company*, have always offer'd to Maintain the *Forts* and *Caſtles*, for 5 *l. per Cent.* on the *Exportation* only; but the *Company* not content with 10 *l. per Cent.* on the Export, have obtained a Duty upon part of the *Importation* alſo; but that (however conſiderable it is in it's ſelf,) the *Plantations* will not inſiſt upon, their chief care at preſent, being only to preſerve themſelves from that Ruin which is ſo nigh them.

The greateſt part of the *Negroe-Trade*, is between the River *Voltus* and Cape *Good-Hope*, which is about 4000 Miles *Sea-Coaſt*; in all which ſpace, the *Company* have no *Forts* or *Caſtles*, nor will the *Natives* permit them to build any, and conſequently cannot give any *Protection* to that part of the *Trade*.

Therefore 'tis Humbly Propoſed, That, that Trade which chiefly concerns the Plantations, *may be wholly exempted from Paying any Duty; it ſeeming unreaſonable they ſhould be burthen'd with a Duty, to ſupport a Trade, of which they have little or no Advantage.*

Secondly, So many unuſual *Oaths*, *Bonds*, *Reſtraints*, and *Penalties* are impoſed upon the Traders to *Africa*, that 'tis very difficult for any one to Trade, without being perpetually in danger of *Ruin*; and 'tis almoſt (if not altogether) impoſſible for the *Merchants* and *Maſters* of

of Ships, to take the *Oaths* preſcribed in this *Bill*, without being forſworn.

'Tis humbly propoſed, That the African *Company may have the ſame Bonds and Oaths for ſecuring their Intereſts, that the King hath in like Caſes.*

Thirdly, The laſt and greateſt *Objection* againſt this *Bill*, is, That inſtead of making the *Trade* more eaſy than formerly, it makes it more difficult than ever.

There are certain Commodities, without which, the Trade to ſome parts of *Africa* cannot be carried on, as *Cowries*, (which are a ſort of Shells, that paſs among the *Negroes* for Money,) *Black and White Baſts*, *Brawles*, and ſeveral ſorts of *Painted Calicoes*; theſe *Commodities* are not to be had in *England*, nor can be in ſome years; the Method hath been of late, to touch in *Holland*, and take in thoſe *Goods*, and *go* thence ſtrait to the Coaſt of *Africa*, which does not interfere with the *Act of Navigation*; but this Bill prohibits that, under ſevere *Penalties*; and thoſe Goods cannot be brought into *England*, becauſe the *Act of Navigation* makes 'em become Forfeit; ſo, that no way is left for the Private *Traders*, either from *England* or the *Plantations*, to procure thoſe *Goods*; and without 'em, the *Trade* to *Africa*, and conſequently the *Plantations*, muſt inevitably be ruined. This is a *Truth* that the *Company* themſelves know, and muſt confeſs.

For Remedy of this, 'tis Humbly Propoſed, either that Liberty be given to buy thoſe Goods where they are to be had, as they might do, before this Bill forbid it; or, that thoſe Goods may be Imported into England *by Licenſe, as* Spice *is now Imported.*

But, perhaps it will be ſaid, That all theſe Inconveniencies would be as hard upon the *Company* as upon Others; and, if there was any real Weight in what has been ſaid, the *Company* would likewiſe oppoſe the Paſſing of this Bill.

For Anſwer to which, 'tis *Humbly Offer'd*; *Firſt*, That the worſe the *Trade* is managed under this *Regulation*, the ſtronger will the *Companies* Arguments be hereafter, to have it again ſetled in them Excluſive of all others, as not being to be manag'd any other way.

Secondly, They have not Traded much to thoſe *Southern* Parts of the *Coaſt* of *Africa*, where the moſt *Negroes* are to be had, and where the *Goods* afore-mentioned are ſo very neceſſary, but have imploy'd their *Stock* more upon the *Trade* of *Gold*, *Ivory*, *Dying-Wood*, *Wax*, &c.

Thirdly, But if for the future, they ſhall intend to go into the *Negroe-Trade*, they may contract with other *Nations* to deliver thoſe *Goods* to them at their *Factories* upon the *Coaſt* of *Africa*, and thereby exempt themſelves from paying part of that *Duty* which they exact of *Others*; and not only ſo, but invite other *Nations* into that *Trade*, to the prejudice of *England*, and the *Navigation* thereof: How reaſonable it is to permit this, is Humbly ſubmitted.

But if theſe things be done by the *Company*, other *People* cannot do the ſame, becauſe they have no *Factories*, nor can any private *Trader* bear the *Charge* of keeping a *Factor* conſtantly in *Africa*; ſo, that the *Plantations* muſt again fall under the *intolerable Oppreſſion* of being wholly ſubject to this *Company*; and how grievous that will be, *Experience* (too dearly bought) has already aſſured *Them.*

Objections againſt,

AND

AMENDMENTS

TO THE

African BILL.

Die Mercurii 5 Maii 1641.

IT is this day Ordered by the House of Commons now assembled in Parliament, That the Preamble, together with the Protestation, which the Members of this House made the third of May, shall be forthwith Printed, and the Copies Printed brought to the Clark of the said House, to attest under his hand, to the end that the Knights, Citizens, and Burgesses may send them down to the Sheriffs and Justices of Peace of the severall Shires, and to the Citizens and Burgesses of the severall Cities, Boroughs, and Cinque Ports, respectively. And the Knights, Citizens, and Burgesses, are to intimate unto the Shires, Cities, Boroughs, and Cinque Ports, with what willingnesse all the Members of this House made this Protestation: And further to signifie, that as they justifie the taking of it in themselves, so they cannot but approve it in all such as shall take it.

WE the Knights, Citizens, and Burgesses of the Commons house in Parliament, finding, to the great grief of our hearts, that the designes of the Priests and Jesuites, and other Adherents to the See of *Rome*, have of late been more boldly and frequently put in practice then formerly, to the undermining and danger of the ruine of the true reformed Protestant Religion in His Majesties Dominions established: And finding also that there have been, and having just cause to suspect that there still are, even during this sitting in Parliament, indeavours to subvert the fundamentall Laws of England and Ireland, and to introduce the exercise of an Arbitrary and Tyrannicall Government, by most pernicious and wicked Councels, Practises, Plots, and Conspiracies: And that the long intermission, and unhappy breach of Parliaments, hath occasioned many illegall Taxations, whereupon the Subject hath been prosecuted and grieved: And that divers Innovations and Superstitions have been brought into the Church; multitudes driven out of His Majesties Dominions; Jealousies raised and fomented betwixt the King and His People; a Popish Army leavied in Ireland, and two Armies brought into the bowels of this Kingdome, to the hazard of His Majesties Royall Person, the consumption of the Revenues of the Crown, and Treasure of this Kingdome: And lastly, finding great cause of Jealousie, that indeavours have been, and are used to bring the English Army into a misunderstanding of this Parliament, thereby to incline that Army, with force to bring to passe those wicked Councels, Have therefore thought good to joyn our selves in a Declaration of our united Affections and Resolutions, and to make this ensuing Protestation.

I A. B. do in the presence of Almighty God, Promise, Vow, and Protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true Reformed Protestant Religion, expressed in the Doctrine of the Church of England against all Popery and Popish Innovations within this Realm, contrary to the same Doctrine, and according to the duty of my Allegiance, His Majesties Royall Person, Honour, and Estate; As also the Power and Priviledges of Parliament; The lawfull Rights and Liberties of the Subject, and every person that maketh this *Protestation*, in whatsoever he shall do in the lawfull pursuance of the same. And to my power, and as far as lawfully I may, I will oppose, and by all good wayes and means indeavour to bring to condigne punishment, all such as shall either by Force, *Practise*, Councels, *Plots*, Conspiracies or otherwise, do any thing to the contrary of any thing in this present *Protestation* contained. And further, that I shall in all just and Honourable wayes indeavour to preserve the Vnion and *Peace* between the three Kingdoms of England, Scotland, and Ireland; And neither for hope, fear, nor other respect, shall relinquish this *Promise*, Vow, and *Protestation*.

WHereas some doubts have been raised by severall persons out of this House, concerning the meaning of these words contained in the Protestation lately made by the Members of this House, (*viz.*) *The true reformed Protestant Religion, expressed in the Doctrine of the Church of England against all Popery and Popish Innovations within this Realm, contrary to the same doctrine*, This House doth declare, That by those words, was and is meant, only the publike Doctrine professed in the said Church, so farre as it is opposite to Popery and Popish Innovations; And that the said words are not to be extended to the maintaining of any form of Worship, Discipline, or Government, nor of any Rites or Ceremonies of the said Church of England.

Die Veneris 30. Iulii. 1641.

Resolved upon the Question.

THat this House doth conceive that the Protestation made by them, is fit to be taken by every person that is well affected in Religion, and to the good of the Common-wealth; And therefore doth declare, That what person soever shall not take the Protestation, is unfit to beare Office in the Church or Common-wealth.

Resolved upon the Question.

THat the Knights, Citizens, and Burgesses, and Barons of the Cinque-Ports respectively, shall forthwith send down to the severall places for which they serve, Copies of this Vote of the House, concerning the Protestation.

Resolved upon the Question.

That these Votes shall be Printed and Attested under the Clerks hand.

Die Sabbati 8. Ianuarii, 164[1]

At the Committee of the House of Commons appointed to sit in *London* to consider of the safety of the Kingdome and of the City of *London*, and of vindicating the Priviledges of *Parliament*.

Resolved upon the Question.

THat the actions of the Citizens of *London*, or of any other person whatsoever, for the defence of the Parliament, or the *Priviledges* thereof, or the preservation of the Members thereof, are according to their duty, and to their late *Protestation*, and the Lawes of this Kingdome. And if any person shall arrest or trouble any of them, for so doing, he is declared to be a publike enemy of the Common-wealth.

Resolved upon the Question.

That this Vote shall be made known to the Common Councell of the City of *London*.

John Wilde Sergeant at Law sitting in the Chaire of that Committee.

THE CASE OF *John Coombes, Valentine Houseman*, and *Edward Pearce*.

THE Duke of *Buckingham* having settled his Estate on Doctor *Thomas Spratt*, now Lord Bishop of *Rochester*, Sir *Robert Clayton*, and *John Wildman* Esquire. In Trust for payment of 5000 *l. per Annum* to the Duke himself, and for payment of his Debts in a Schedule to the Deeds of trust annexed, and such other Debts as the Duke should appoint; And the surplus for the said Duke. And the said Duke being minded to build a House at *Clifden*, and that the Workmen should be paid out of his said Trusted Estate, by a Deed poll, dated the 24*th* of *August* 1676. declared and appointed, That the Trustees out of Money to be raised out of the said Trusted Estate, by Sale or otherwise, should be saved harmless, and reimburse themselves such Moneys as they should pay or be engaged to pay for the said Duke, though the same should crois the former Trusts, or upon what Account soever it should be. And the said Duke by the said *John Wildman*, his Trustee and Agent, proposed to the said Workmen, That if they would do the Plaisterers, Joyners and Carvers Works in the said Building, they should be paid out of the said Trusted Estate. And accordingly the 17*th* of *March* 1676. the said Duke in the said Work-mens presence wrote and signed a Paper Writing, directed to the said *John Wildman* one of his Trustees, whereby he appointed him to pay the said Workmen, which was done to the intent that the said *John Wildman* should be authorized to pay the said Workmen out of the said Trusted Estate. And the said Duke declared, That his whole Trusted Estate should be lyable to make Satisfaction for what the said Mr. *Wildman* should pay, or be engaged to pay to the said Workmen. Without which the said Workmen would not have done the said Works. And the said Duke appointed Surveyors to survey and value the said Works, and appointed the said *John Wildman* to pay such Bills as should be Signed by his said Surveyors. And the said *John Wildman* in Pursuance of the said Duke's said Declaration and Appointment, imployed the said Workmen to do the said Works, and promised to pay them for the same. And the several Works done by the said Workmen, were viewed, surveyed and approved, and the Prizes thereof ascertained by the said Duke's Surveyors, who signed the said Workmens Bills, and the same were from time to time entered in a Book, kept by the said *John Wildman*, by the said Duke's direction for that purpose, and the Book signed by the said Duke's Surveyors, to the intent, That the said *John Wildman* might with more safety and certainty pay the said Monies. And the said Duke's Agents, in pursuance of the said Duke's said Declaration and Order, met the said Workmen at the said *John Wildman*'s House in his presence, and proposed and promised to the said Workmen several Mannors and Lands to be sold for payment of the Monies due to the said Workmen, or to be conveyed to them for their satisfaction. And the said Workmen not being able to obtain their Monies, and being much straightned for want thereof, exhibited their Bill in *Chancery* against the said Duke and his Trustees, to recover their Monies out of the said Trusted Estate. And at the hearing of the Cause in *Chancery*, the several Matters aforesaid appearing to the Court by the Proofs in the Cause, the Court of *Chancery* was fully satisfied, That by the Matters aforesaid, the said Trusted Estate was lyable in Equity to the payment of the Monies due to the said Workmen, and Decreed, That the said Trustees out of the said Trusted Estate, should pay the same, and the Interest thereof, from the time of the filing the Bill in *Chancery*, and should sell part of the said Trusted Estate for that purpose; There being due to ..... *Coombes* 969 *l.*—16 *s.*—8 *d.* for Plaisterers Work, and to ..... *Houseman* 1534 *l.*—12 *s.*—3 *d.* for Joyners Work, and to ..... *Pearce* 587 *l.*—5 *s.*—9 *d.* for Carvers Work.

The said Duke hath appealed from the said Decree to the Lords in Parliament to have the said Decree reversed, and thereby to obstruct the said Workmen in receiving their said Monies, which have been due to them above six Years.

CONSIDERATIONS ABOUT THE Transportation of Wool

THAT the Woollen-Manufacture hath been and is the Chief Support of the Wealth and Strength of this Nation; upon which also in a great measure depends the Revenue of the Crown, the Prosperity of the Rich, and the Maintenance of the Poor.

Whereas not only *Holland* and *France* hath for a long time set up that Manufacture by the help of our Wool, but *Suedeland* and other Foreign Parts have done the same lately.

It is believed that for near Twenty Years of the Two last Reigns, the *French* Gained by our Wool Exported thither at least Two Millions *per Annum*; and altho' that Advantage to them hath been abated since His present Majesties Accession to the Throne, by reason chiefly of the War, yet is still continued; and since the Peace greatly increased.

For the preventing this Evil frequent Attempts have been made both by altering the Laws and otherwise, but that they have not succeeded, is owing not to the nature of the Disease, but unsuitableness of the Remedies used to remove it; nor hath the Act for Suing the Hundred, nor the Encrease of the Number of the *Custom-House* Officers (whose Profit arises by Seizures of Wool, or good Correspondence with the Offenders) prevented it; it being now Matter of Fact, that as great if not greater quantities than ever are daily Transported.

But it is further Matter of Fact on the other hand, when such persons whose Interest it was to prevent it, were Impowered, it hath been effectually done; and when it was so in the Two latter Reigns, it so sensibly Affected the *French* that their Ambassador here did use his utmost Endeavour to discourage those Persons; and so far prevail'd with the Government, as to effect it.

Therefore it is humbly conceived, that except those be empowered to prevent the Exportation of Wool whose Interest it is to do it it cannot rationally be expected that it should be done; nor can this be without a Fund, for who will do it at his own Charge?

That when Application have been made both to the last and present Government to prevent it; after several References, Examinations and Reports from the Commissioners of the Customs, it hath been by them thought necessary for a distinct Commission in this Case, as may appear by the Reports and Proceedings therein, if required.

ANSWERS

To Several

OBJECTIONS

That may be made againſt the CASE of the now *Earl* of *Banbury*.

Vide Dugdale fol. 412

Obj. 1. IT may be Objected, that in *Dugdales* Treaty of the Baronages of *England*; it is there ſaid, that *William* Earl of *Banbury*, married *Dorothy* Daughter to the Lord *Bray*, by whom he had no Iſſue: and *Elizabeth* Daughter to *Thomas* Earl of *Suffolk*, by whom he had likewiſe no Iſſue, as the Certificate ſubſcribed by her the ſaid *Elizabeth* who ſurvived doth teſtifie; and that Earl *William* died, *May* 27. 32. being 88 Years old, and refers to the Heralds Book in the margent. *I.* 8. *in Offic. Arm. fol.* 30.

But notwithſtanding this, her Certificate, and an Inquiſition taken after his Death, importing as much, it was not long after ere ſhe married *Nicholas* Lord *Vaux*, and produced two Sons, *viz.* *Edward*, who was killed in *France*, and *Nicholas* who was frequently called Earl of *Banbury*, but never had ſummons to Parliament.

Vide fol. 304.

Anſw. This Book can be of no authority to prove the Objection, that Earl *William* died without Iſſue; for beſide what follows in that Book about the two Sons, which ſeems to anſwer the other part; it appears by the Authors ſame Book *fol.* 304. that *Edward* Lord *Vaux*, took to Wife *Elizabeth* Widow of *William* Earl of *Banbury*, and dying in 61. without any lawful Iſſue, *Nicholas* the Son of the ſaid *Elizabeth* his Wife, born in the life time of the ſaid Earl of *Banbury*, enjoys all the Eſtate. So that there is a plain Miſtake, if not Contradiction of himſelf: and there never was ſuch a one as *Nicholas Vaux* who married *Elizabeth* Widdow to *William* Earl of *Banbury* for his Wife, but it was *Edward*.

Secondly, To ſhew how little *Dugdale* is to be relied upon in this Matter, the Books by him referred to in the *Heralds Office* for the Certificate, pretended to be ſigned by the Counteſs of *Banbury*, hath been ſearched for, but there is no ſuch Certificate, and the Heralds will teſtifie that there neither is, nor ever was any ſuch Certificate in their Office.

21. *Apr.* 9. *Car.* I. 1633.

Obj. 2. It may alſo be Objected, that by an Inquiſition taken at *Burford* in *Com. Oxon.* after the Death of *William* Earl of *Banbury*, in the Year 33. it is found that two Daughters of *Knollis* were his Coheirs.

Anſw. It is true ſuch an Inquiſition was found, and then *Edward* Earl of *Banbury* was an Infant but ſix Years of age, and no cure might be taken then to aſſert his Right, and ſuch Inquiſitions were generally taken *ex parte*, and are little regarded: but when he came to ripe Years, which was in 41. there is another Inquiſition taken in *Abingdon* in *Com. Berks*; and therein it is found, that Earl *William* died, leaving *Edward* his Son and next Heir; ſo that there is Inquiſition againſt Inquiſition.

1 *Apr.* 17. *Car.* I. 1641.

Obj. 3. It may be alſo Objected, why the Inquiſition took no notice of *Nicholas*, or that *Nicholas* had no Inquiſition found.

Anſw. It is not uſual to take notice of any more than the Heir at Law, tho there be more Children: beſide, then began the *Civil Wars*, and there was no Houſe of Lords till 60. at which time (*Edward* being killed in *France*) *Nicholas* came to Parliament.

Obj. 4. If it ſhould be Objected, that the Report made by the Lords Committees of Privileges in 61. which was, that *Nicholas* in the Eye of the Law, was legitimate Son of *William* Earl of *Banbury*; was not unanimous, or by the full conſent of the Committee, or any ways not fairly or by ſurprize Obtained.

Anſw. That cannot be ſo, for the Report was made after ſeveral deliberate Hearings both of Counſel and Witneſſes, it does appear that the Committee met the 19th. of *June*, 61. and that there was an Order to examine the Counteſs of *Salisbury*, and other Witneſſes who were examined, alſo the Nurſe, and the Attorney General was alſo heard at the Committee, and there were ſeveral Adjournments of the Committee, which continued till the 15th. of *July*, 61. and then agreed to be Reported to the Houſe, and Reported accordingly the 19th.

Vide the Committee Book, and the Order of the Houſe the 15th. of June 61. to examine her pro Witneſs.

Obj. 5. It may be alſo Objected, that the Houſe ordered a Bill to be brought in to Illegitimate him, and upon reading the ſame that the Duke of *York* ſhould ſay, that Earl *Nicholas* had promiſed him, that if the Houſe would not proceed upon that Bill, he, nor any of his, would never make any ſuch Claim.

Anſw. It is plain this could not be ſo, for the Bill was Read the 9th. of *December*, 61. and in 69 Earl *Nicholas* preferred another Petition to the Houſe, and then the Houſe referred it to a Committee, who Reported all the matter of Fact as was Reported in 61 which certainly would never have been ſuffer'd, if there had been any ſuch Promiſe, neither was there any Order of the Houſe to bring in the Bill in 61.

Objections and *Answers*
thereto, in
the *Earl* of *Banbury*'s CASE.

Baptiſt, Earl of *Gainſborough*, *John Noell*, Eſq; } Appellants. # The Reſpondents Caſe. *Katherine* Counteſs Dowager of *Gainsborough*, } Reſpondent.

Riotheſley Baptiſt Earl of *Gainsborough*, ſeiſed in Fee in poſſeſſion and Reverſion of divers Mannors, Lands,&c. in the ſeveral Counties of *Southampton*, *Rutland*, *Glouceſter*, and *Middleſex*, and poſſeſſed of a conſiderable perſonal Eſtate.

Leaves the premiſſes in the County of *Southampton* of the Value of above 2000 *l. per Ann.* to deſcend to his two Daughters, being his Heirs at Law.

And as concerning the reſidue of the premiſſes makes his Will in writing *20th September*, 1690. whereby he deviſes ſeveral Annuities to ſeveral of his Servants amounting in the whole to 210 *l. per Annum*, and 5000 *l.* to his Siſter the Lady *Juliana*, for payment of which he chargeth his Lands in *Rutlandſhire*, and half a years Wages to the reſt of his Servants, not before named, for payment of which he makes no proviſion by his Will; and then gives all his Eſtate that deſcended to him from his Father or Grandfather, being the premiſſes in the Counties of *Rutland*, *Glouceſter* and *Middleſex*, chargeable as aforeſaid, to the Honourable *Baptiſt Noell*, his Uncles Son, in Tail Male, with like Remainder to *John Noell* the Appellants, Remainder in Fee to his Daughters aforeſaid, and then adds,

Item, I charge my Eſtate in the County of *Rutland*, with the payment of all ſuch Juſt Debts as ſhall be due to any perſon at the time of my Death; and concludes his Will with making the Reſpondent Executrix of his ſaid Will, which Will ſhe hath proved in Common Form.

The Reſpondent claims the perſonal Eſtate only as Executrix, to whom the Law gives it where there are no Debts, and where there is a ſufficient Fund ſetled for payment of Debts, as this caſe is, there it is as if there were no Debts.

The Appellants inſiſted, that the perſonal Eſtate not being ſpecifically deviſed, ought in the firſt place to be applied to the payment of Debts in aid of that part of the Real Eſtate which is to them deviſed, and the ſaid part of the Real Eſtate to be only Supplemental.

So that the only Queſtion was, Whether the Teſtators meaning in Charging his Debts upon his Eſtate in *Rutlandſhire* was abſolute, as the expreſs Words of the Will are, or that it ſhould be only Supplemental where the perſonal Eſtate fell ſhort.

Therefore to prove the Teſtators meaning to be abſolute, that his *Rutlandſhire Eſtate* ſhould pay all his juſt Debts, and not be only ſupplemental, the Reſpondent examined ſeveral Witneſſes, who prove as followeth:

Mr. *Newſham*, his Auditor, and Mr. *Jones* his Secretary, Depoſe, That the Teſtator diſcourſing with them ſeverally, and at ſeveral times, a little before his Death, concerning paying his Debts, ſaid, He would charge them upon his *Rutlandſhire* Eſtate; for his Couſin, meaning the preſent Earl the Appellant, (being but five or ſix years old) would have time enough, before he came of Age, to rub them off, and then would have a free Eſtate; or words to that purpoſe: But ſaid nothing then, or at anyother time, of applying his perſonal Eſtate, or any part thereof to that purpoſe.

The ſaid *Newſham* and *Jones*, Dr. *Ratcliffe*, and Mr. *Baker* Steward of his *Hampſhire* Eſtate depoſe, that they were all preſent at the time of the Teſtators making his Will, and carefully minded what Directions he gave about the ſame; and that the Teſtator before he concluded his Will, directed Mr. *Milbourne*, who wrote the ſame, to inſert in the ſaid Will a Deviſe of his perſonal Eſtate to his Wife, the now Reſpondent, and make her Executrix. To which Mr. *Milbourne* replied, ſeeing your Lordſhip makes your Lady Executrix, to deviſe the perſonal Eſtate to her, is ſuperfluous: for it falls to her of courſe, as Executrix; and that Mr. *Newſham* not being ſatisfied with his Reaſon, urged Mr. *Milbourne* twice to write down about the perſonal Eſtate, as my Lord directed: But he ſtill refuſed and gave the ſame Reaſon, as before; and the Teſtator heard, and was ſatisfied with it, elſe he would never have executed the Will without inſerting what he had directed about his perſonal Eſtate: And Mr. *Millcurne* depoſes to the ſame purpoſe.

Mr. *Newſham* depoſeth, that after the making the ſaid Will, he perceiving the Earl's End approaching, for he lived but four or five Hours after he had made his Will: He asked him, if he had any Remembrances to his Lady. He replied, *Tell her, I have done all I can for her: Give her my Dying Reſpects.*

Newſham, *Baker*, and *Jones* aforeſaid depoſe, That the Teſtator and his Lady, the Reſpondent, lived in entire Conjugal Affection all the time of their Marriage.

All which proves the Teſtators meaning to be Abſolute: For by his reckoning his Debts might be paid out of the *Rutlandſhire* Eſtate in fourteen or fifteen Years, it is clear he reckoned upon nothing to come in aid of it; the ſame appears by his directing his perſonal Eſtate to be given his Lady, without ſaying, *After Debts and Legacies paid*; or any other Words that might ſhew any intention to charge it: And by his ſaying after he had made his Will, *He had done all he could for her.* For had he intended the Land ſhould be only Supplemental, he could not but know he had done nothing at all for her, not left her ſo much as a Bed to lye on, knowing his Debts far exceeded his perſonal Eſtate.

Nor can it be imagined, that a kind Husband would give his Wife an Office of great Charge and Trouble, without any profit to come thereby; all perſons that make Executors intending them ſome advantage thereby.

So that the uſe the Reſpondent makes of theſe Averments is not, as is pretended, to create her ſelf a Title to the perſonal Eſtate, for that ſhe had before as Executrix; but only to rebut an implied meaning that might be raiſed by Equity, and to ſhew the Teſtators expreſs Meaning was contrary to the Meaning they would raiſe by Implication.

So that all the Clamours of Admitting Parol Averments againſt, or *dehors* Wills in writing, and the Inconveniences that may come thereby, of ſhaking off Wills and rendring Legacies uncertain, are clearly out of this Caſe; for theſe Averments are neither againſt the Will nor *dehors* the Will, but in the Will and with the Will, nor do they alter or change any thing in it.

As to the uſual Courſe in *Chancery*, where a Truſt is created for payment of Debts, to Decree the perſonal Eſtate (where it is not given away) to come in aid of the Truſt Lands, it is anſwered, That it was ſo at firſt only in favour of an Heir at Law, and it was but lately extended to an *Hæres factus*: But indeed the preſent Earl, the Appellant, is neither *Hæres natus*, being of the Half-Blood, nor *Hæres factus*; but only a Deviſee, having but a part of the Real Eſtate deviſed to him, the reſt being left to deſcend to the Teſtators Heirs at Law; and a Man cannot properly be ſaid to have two Heirs, one by Law and another made ſo: So that the preſent Earl is only a Legatee, and it was never known that a meer Legatee had aid of the perſonal Eſtate, to eaſe his Legacy and make it better than it was given; but was always to take it as given *cum Onere*, let the Burthen upon it be great or little.

And to ſay the Charge is ſo great upon the deviſed Lands, that unleſs the perſonal Eſtate come in aid, he will have but a ſmall Eſtate given him. This is not ſo; for the yearly Value of that Eſtate, after the two Joyntures fall in, will be above 5000 *l. per Annum.* However, the Teſtator was a free Agent, and might have given his Eſtate to whom, and how he would; and he to whom he hath given it, ought to take it Charged as he thought fit: For if he had given him nothing, but left it all to deſcend to his Daughters, he had had no reaſon to complain.

28 *Jan.* 1692, The Lords Commiſſioners of the Great Seal, after mature and deliberate Conſideration had of the ſaid Will, and the Proofs in the Cauſe, did unanimouſly Order and Decree, That the Land charged by the ſaid late Earls Will, with the ſaid Annuities, Legacy of 5000 *l.* and Debts, do and ſhall ſtand Charged therewith in the firſt place; and if the ſame be not ſufficient to ſatisfie the ſaid Annuities, Legacy and Debts, that then the ſame be charged and made good out of the ſaid late Earls perſonal Eſtate; and that if the Plaintiff ſhall be Sued by any of the ſaid late Earls Creditors, or ſhall pay any of them that then in ſuch caſe ſhe ſhall be reimburſed what ſhe ſhall ſo pay out of the ſaid Lands charged for the payment thereof, by ſuch perſon or perſons, who ſhall hold and enjoy the ſaid Lands by virtue of the ſaid Will.

But for the other particular Legacies given by the ſaid late Earls Will, and the Charges of his Funeral, which are not Charged upon the ſaid Lands, it is Ordered and Decreed, That the Plaintiff do and ſhall pay the ſame out of the ſaid perſonal Eſtate.

Which ſaid particular Legacies and Funeral Charges amount in the Whole to 1128 *l.* 06 *s.* 04 *d.*

Which Decree is moſt Juſt, it being according to the Letter of the ſaid Will, and the expreſs Intention and Direction of the ſaid Teſtator, as is fully proved, as aforeſaid; and therefore the Reſpondent humbly prays Your Lordſhips, it may be Confirmed.

BAPTIST, Earl of *Gainsborough*, } Appellant.

KATHERINE, Countess of *Gainsborough*, } Respondent.

The Respondents Case,

To be Hear'd *Monday* 27th *Feb.* 1692.

THE CASE OF CHARLES Earl of BANBURY.

WILLIAM KNOLLIS, (who by King *James* I. was created first Lord *Knollis*, and afterwards Viscount *Wallingford*,) was, by King *Charles* I. in the Second Year of his Reign, created Earl of *Banbury*, to him and the Heirs Males of his Body.

The said Earl di' ıke to Wife the Lady *Elizabeth* eldest Daughter to the Right Honorable *Thomas* late Earl of *Suffolk*, and had Issue Two Sons, *viz. Edward* Earl of *Banbury*, who died under age and without Issue, and *Nicholas* late Earl of *Banbury*, Father of *Charles* Earl of *Banbury* the Petitioner.

Earl *William* Died in the Year 1632.

Edward his eldest Son being then aged about Five Years, and *Nicholas* about a Year and a half; Earl *Edward* was not summoned to any of the Parliaments in the time of King *Charles* I. nor could rightfully claim to be so summoned being under Age.

Earl *Nicholas* did, after his arrival to full Age, sit in the Parliament Conven'd in the Twelfth year of the late King *Charles* II. at the time of his Majesties happy Restauration.

In the Parliament summoned in the Thirteenth year of his said late Majesties Reign, the said Earl *Nicholas* having received no Writ of Summons to that Parliament, addressed himself by Petition to his said late Majesty, setting forth in effect the Matters before expressed, and praying that he might be Summoned by Writ to the said Parliament.

This Petition being by his Majesty's appointment, delivered to the House of Peers by the Lord *Great Chamberlane* of *England*, was by them taken into Consideration, and thereupon referred to the Lords Committees for Privileges, who were upon hearing the Petitioners Counsel and the Kings Attorney General, to make Report thereof.

The said Lords Committees being attended by Counsel, and Witnesses on the Petitioners behalf, and also by Mr. Attorney General for the King: It was fully proved that the said Earl *Nicholas* was born of the Body of the said Countess *Elizabeth*, during the Coverture and Cohabitation between her and the said Earl *William*.

By a Report made the 19th. of *July*, 1661. the said Committee reported that the said Earl *Nicholas*, was in the eye of the Law the Son of Earl *William*, and that the House of Peers should advise the King to send him a Writ to come to Parliament.

Earl *Nicholas* had Two Wives, the first was Daughter of the late Earl of *Newport*, by whom he had Issue one Daughter, but no Male Issue; the other was *Ann*, Daughter of the Right Honorable the Lord *Sherrard*, by whom he had Issue *Charles* now Earl of *Banbury*, his eldest Son and Heir, (the Petitioner) and several other Children.

The said Earl *Charles* at his Fathers Death was an Infant, and coming to full Age and not being summon'd to Parliament, in the Year 1685. Petitioned the Lords *Spiritual* and *Temporal* in Parliament, that their Lordships would represent the same to his Majesty, to the end he might be relieved according to Right.

Upon which it was referred to the Lords Committees for Privileges, to examine all former Proceedings relating to the said Earl Nicholas.

And thereupon the Committee reported the Proceedings of the House in 1661. upon the Petition of Earl *Nicholas*, and the Opinion of the Committee in the Report of the 19th. of *July* 1661. That the said Earl *Nicholas* was, in the eye of the Law, Son of the said Earl *William*, and that his Majesty should be advised to Summon him to Parliament.

And thereupon it was Ordered that the House would hear the now Earl *Charles*, by his Counsel and the Attorney General on the Kings behalf, against the Earls Claim in *July* following.

But by reason of the rising of the Parliament, or other great Affairs then in hand, no farther Proceedings were had upon the said Order. And the now Earl *Charles* having been Travelling, did not return into this Kingdom till about *Michaelmas* 1692. and hath now Petitioned the House of Peers, that he may be admitted to the Privilege of his Peerage.

Whereupon it was Ordered, that the House would hear his Majesty's Attorney General on the Kings behalf, and all other Persons that may be concerned therein, against the said Earl's *Claim; as also Counsel for the* Earl, *on* Monday *the* Ninth *of* January *next.*

THE EARL of *Banbury's* CASE.

THE CASE OF Sir Edward Turner, and Anne Gardiner RESPONDENTS,

AGAINST The PETITION of Dame *MARY TURNER.*

SIR *William Aſhton* in conſideration of a Marriage between *Mary* the Daughter of *Henry Eure* Eſq; with *William Aſhton* his Son, Demiſes unto the ſaid *Henry Eure* and *Stephen Eure*, certain Lands in *Milton* and *Tingry* in the County of *Bedford* for Ninety-nine Years; The ſaid *Henry* and *Stephen Eure* redemiſe the ſame to Sir *William Aſhton* for Ninety-eight Years in truſt for *William Aſhton* his Son and the ſaid *Mary* during their joynt Lives; and after in truſt for the Survivour of them.

William Aſhton the Son dies, and *Mary* ſurvives, and thereby becomes Intituled to the ſaid *Term* in truſt, during the remainder of the ſaid *Term*, if ſhe ſhould ſo long live.

About the Year 1653, Upon a Treaty of Marriage with the ſaid *Mary*, Sir *Edward Turner* Late Lord Chief Baron of the *Exchequer*, ſettles a Joynture of 300 *l. per Ann.* or more upon her (which the ſaid *Mary* hath ever ſince, and at this day doth enjoy) and thereupon the Marriage takes effect; by Vertue whereof the ſaid Sir *Edward Turner* became Intituled to the ſaid Truſt for the remainder of the ſaid *Term* of Ninety-eight Years, if the ſaid *Mary* ſhould ſo long live.

Sir *Edward Turner* for and in Conſideration of 2300 *l.* Grants and Releaſes (as by Law he might) the ſame to *William Mole* Eſq; who had bought the Inheritance of the ſaid Lands.

William Mole in Conſideration of a Marriage with *Anne* the Daughter of Sir *William Botiler* Knight, (which ſaid *Anne* by a ſecond Marriage is become *Anne Gardiner*, one of the now Reſpondents) and of 1500 *l.* Portion by his laſt Will and Teſtament, charges the ſaid Lands with the Yearly Value of 180 *l.* payable to the ſaid *Anne Gardiner* (which is all the ſettlement that was made upon the ſaid *Anne* upon her Marriage) in lieu of a Joynture.

Sir *Edward Turner* in the Year 1676 dies, and Dame *Mary* the Relict of the ſaid Sir *Edward Turner*, exhibits her Bill in *Chancery* againſt Sir *Edward Turner*, Son and Heir of the ſaid Sir *Edward Turner*, and the ſaid *Anne Gardiner* to have the ſaid Deeds of Demiſe and Redemiſe, to the end ſhe might recover the ſaid *Term* in Truſt, and thereupon obtains a Decree.

Whereupon Sir *Edward Turner* and the ſaid *Anne Gardiner* preſented a Petition of Appeal to the Lords Spiritual and Temporal in Parliament Aſſembled, for the Reverſal of the ſaid Decree, and upon the *Twenti h* day of *November*, in the Year 1680. After due Conſideration had of what was offered by the Council of either part, and hearing the Opinion of moſt of the Judges, that the Husband may diſpoſe of the truſt of a Chattel Intereſt of his Wifes without her conſent (which was the ſingle point in Queſtion) it was Ordered and Adjudged by the Lords Spiritual and Temporal then in Parliament Aſſembled, that the ſaid Decree from which the ſaid Sir *Edward Turner* and *Anne Gardiner* had appealed, ſhould be and was thereby Reverſed; as by the Journal of the Houſe of Lords in the Year 1680. doth and may more at large appear.

There have been ſince the Year 1680. Several Parliaments holden, during all which time the ſaid *Anne Gardiner* hath had the quiet Poſſeſſion and Enjoyment of the ſaid Rent Charge, in purſuance of the ſaid Judgment and Order of the Lords Spiritual and Temporal then in Parliament Aſſembled, without any Moleſtation or Trouble given her by the Petitioner Dame *Mary Turner* or any other whoſoever.

This being the true State of the Caſe, It is Humbly Offered to Your Lordſhips Conſiderations, what Miſchiefs and Inconveniences may and will enſue to the Subjects in general, if after ſuch Solemn Hearings, Reſolutions and Judgments of the Higheſt Court of Judicature, there ſhould be a Door open, or the leaſt Incouragement given to call in Queſtion, the Judgments and Decrees of this Honourable Court, and to controvert the ſame, without ſhewing any Ground or Reaſon ſo to do, but only upon a bare Prayer in a Petition, the rather, for that if ſuch Proſecutions ſhould be allowed, Cauſes would be endleſs, and no Man could ever know when he ſhould have an end of his Suits, or have any fixed or certain Intereſt, ſo as to be able to diſpoſe of any Eſtates which have been Controverted before Your Lordſhips in the High Court of Parliament.

BY THE

Lords-Juſtices

AND

COUNCIL,

A PROCLAMATION.

CHARLES PORTER, THO: CONINGESBY.

TO prevent the Robberies, Wilfull burning of Buildings, Corn and Hay, Murthers and Inſurrections with which thoſe Parts of this Kingdom now under Their Majeſties Obedience are threatned by the Rebels and their Adherents, during ſuch time as Their Majeſties Army ſhall be upon their March to the Frontiers, or in the Quarters now poſſeſſed by the ſaid Rebels: We have thought it neceſſary, and do hereby Publiſh and Declare, that the Popiſh Iriſh Inhabitants of the reſpective Baronies at preſent under Their Majeſties Obedience, Where any Rebels, commonly called Rapparees ſhall commit any ſuch Robberies, Burnings or Murthers, or Where any ſuch Inſurrection ſhall happen, if they do not immediately give notice of ſuch Rapparees and Inſurrections reſpectively to the Juſtice of Peace or Chief Officer of the Militia next to their reſpective Habitations, and aſſiſt them in the taking or deſtroying of ſuch Rapparees, and ſuppreſſion of ſuch Inſurrection, that then the ſaid Popiſh Iriſh Inhabitants of the ſaid Barony where ſuch Fact ſhall be committed, ſo neglecting their Duties, ſhall be deemed Confederates with the ſaid Rebels, and Enemies to Their Majeſties Government, and by Orders to be by Us given, as occaſion ſhall require, ſhall be proceeded againſt with the utmoſt ſeverity of Military Execution. And We do further Order, that no Protected Iriſh Papiſts ſhall be abroad out of his or their Dwelling Houſe, or place of aboad after the hours of Nine at Night, or before the hours of Four in the Morning, under the pain and penalty of being put out of Their Majeſties Protection; And if after the Thirtieth day of this Inſtant Month of May, any Arms or Ammunition ſhall be found upon the Perſon or in the poſſeſſion of any ſuch Iriſh Papiſts, he and they ſhall be look'd upon as Rebels and puniſhed accordingly. And as We intend ſeverely to puniſh all ſuch as ſhall offend in any of the particulars abovementioned, ſo We do aſſure all thoſe Iriſh Papiſts who live under Their Majeſties Protection, that they behaving themſelves as becometh good Subjects, ſhall have the Benefit thereof.

Given at the Council-Chamber in *Dublin* the Fourteenth day of *May*, 1691. And in the third Year of their Majeſties Reign.

Anth. Meath, *L*ongford, Ri. Reynell, Jn° Hely.

God Save the KING and QUEEN.

Dublin, *P*rinted by *Andrew Crook* Aſsignee of *Benjamin Tooke P*rinter to the King and *Q*ueen at *T*heir *M*ajeſties *P*rinting-houſe on *Ormonde-Key*.

The CASE of the Right Honourable *Thomas* Earl *Rivers*, upon his Appeal Exhibited before the Lords in Parliament, againſt a Diſmiſſion made by the Court of Chancery of a Bill Exhibited by him againſt the Right Honourable *William George Richard* Earl of *Derby*, *William* Earl of *Strafford*, *Thomas Munne*, Gent, and *Frances Richardſon*, Widdow, Defendants.

That by Indenture Dated the 13th Day of *May*, 1678. between the Appellant and *Thomas* Lord Viſcount *Colcheſter* his Son Deceaſed of the Firſt part, the Honourable *John Savage* and *Robert Pickering* Eſqs; of the Second part, the Defendants the Earl of *Derby* and Earl of *Strafford* and *John Gronkam How*, Eſq; and *Robert Hyde* Gent both Deceaſed of the Third part, and a Fine and Recovery Levyed and Suffered, The ſeveral Mannours of *Chich*, St. *Oſith*, Great *Clacton*, Little *Clacton*, and divers Meſſuages, Lands and Tenements in the County of *Eſſex* were ſetled on the ſaid Lord *Colcheſter* for Life, and after of part thereof to the Lady *Charlotte* his Wife for Life, Siſter of the ſaid Earl of *Derby* for a Jointure, and after to the firſt Son of the ſaid Lord *Colcheſter* on the body of his ſaid Wife in Taile Male remainder to the 2, 3, 4th, and all other the Sons of the ſaid Lord *Colcheſter* on the body of his ſaid Wife remainder to the ſaid *Thomas* Earl *Rivers* in Taile Male with divers remainders over.

That in the Settlement there is a Proviſoe, That in caſe the ſaid Lord *Colcheſter* ſhould Die, leaving no Iſſue Male on the Body of his ſaid Wife, and the ſaid Mannours and Premiſſes ſhould come to any other Heir Male of the ſaid Lord *Colcheſter* by any other Wife begotten, or any other perſon or perſons by Virtue of any the Uſes, Limitations and Appointments therein mention'd. And that there ſhould be any Daughter or Daughters of the ſaid Lord *Colcheſter* on the Body of the ſaid Lady *Charlotte* begotten living at his Death, That the ſaid Earl of *Derby*, Earl of *Strafford*, *John Grobham How*, and *Robert Hide* and their Heirs, ſhould ſtand ſeized of all and every the ſaid Mannours, Meſſuages, and Premiſſes, except thoſe Limited to the ſaid Lady *Charlotte* during her life, and after of thoſe likewiſe to the intent the ſaid Daughter and Daughters may receive and take the Sum of 10000 *l.* out of the Rents and Profits thereof to the uſe of ſuch One Daughter if but one, if more equally to be devided amongſt them, together with the ſeveral Sums of 100 *l.* apiece for the maintenance of ſuch Daughter and Daughters until payment which is mentioned in the Deed to be intended for their Portion and Portions reſpectively.

That the ſaid Lord *Colcheſter* dyed in *October* 1679, leaving only one Daughter, to wit, *Charlotte Katherine Savage*, and thereby the ſaid Earl of *Derby* and Truſtees became intitled to the ſaid Mannours and the Rents and Fines of Copyholders thereof, and divers Woods in truſt for raiſing the ſaid 10000 *l.* and a 100 *l. per ann.* maintenance, and one *John Richardſon* Husband of the Defendant *Elizabeth* was imployed under the ſaid Truſtees for 5 Years ending at *Michaelmas* 1684, in which time was raiſed 800 *l.* and *Thomas Munne* for 2 Years whereby was raiſed 500 *l.*

1. of March, 1687. **The** ſaid *Charlotte Katherine Savage* Daughter of the ſaid Lord *Colcheſter* died, being of the Age of 17 and no more, unmarried, and thereby the Monies already raiſed ought to be paid to the ſaid Earl *Rivers*, being next in remainder, and the reſidue of the ſaid 10000 *l.* ought not to be raiſed, but ſink into the Inheritance, it being declared by the Settlement to be intended for her Portion, and the Truſtees ought to convey to the ſaid Earl *Rivers*, and the ſaid *Charlotte Katherine Savage* had no power to diſpoſe of the ſaid 10000 *l.* as ſhe did by her Will, thereby giving 3000 *l.* to the Earl of *Derby*: To her Mother 3000 *l.* To the Lady *Charlotte Murray* 8000 *l.* And other Legacies, in all 16350 *l.* although ſhe had no other Eſtate than this Portion of 10000 *l.* and Conſtituted the ſaid Earl of *Derby* her Executor, for which end the ſaid Earl *Rivers* Exhibited his Bill in the Chancery,

That the Earls of *Derby* and *Strafford* did put in their Anſwers, and thereby ſet forth the ſaid Settlement and Power therein for raiſing the ſaid 10000 *l.* and 100 *l. per Annum* Maintenance till Payment, and ſet forth and Confeſs the Death of the ſaid Lord *Colcheſter*, and that his Daughter *Charlotte Katherine Savage* died, being 17 Years and a Month Old, having made her Will and given ſuch Legacies as above, and they inſiſt that the ſaid 10000 *l.* may be raiſed and diſpoſed of according to the ſaid Settlement, and the laſt Will of the ſaid *Charlotte Katherine Savage*.

And the ſaid Mr. *Munne* by Anſwer Confeſſeth he was Receiver: And Mrs. *Richardſon* by Anſwer Confeſſeth her Husband was Receiver of the Lands ſet apart for raiſing the ſaid 10000 *l.* and are willing to come to Accompt and pay what is in their hands, as the Court did Direct.

That the Cauſe was heard on the Bill and Anſwers, the 18*th.* day of *July* laſt, before the Lord *Chancellour*, who diſmiſſed the Bill, and ſince the ſaid Mr. *Munne* and Mrs. *Richardſon* have paid what they Received to the ſaid Earl of *Derby* and Earl of *Strafford*.

FROM this Diſmiſſion the Earl *Rivers* hath Appealed to the Lords in Parliament, that the Portion of 10000 *l.* may not now be raiſed, the young Lady being Dead ſo Young and Unmarried, and it being declared to be her Portion, there is no occaſion to raiſe the ſame, but it ought to ſink into the Inheritance, which is agreeable to former Judgments given by their Lordſhips in like Caſes.

K. England. [Ap]. — Law.

The Ancient Practical Laws of *England*, compared with the Laws now practiſed, to the great Grievance of the Free-born Subject; By an Ancient Practiſing Barriſter at Law, who for the greateſt part of Seventeen Years laſt paſt, hath been a Priſoner of the *King's-Bench*, *Fleet*, and other Priſons, unjuſtly Confined under undue Practices, mentioned in Eight of the Ten Paragraphs underwritten.

I. BY the Ancient Law of *England*, every Subject who came to the Kings Courts for the Kings Writ, was obliged to bring his Pledges to proſecute his Suit with Effect, or to pay ſuch Fine to the King as the Court ſhould lay on him for his unjuſt Clamor, as may appear in all Declarations, not only in the Courts at *Weſtminſter*, but alſo in all inferiour Courts, whether Courts of Record or Courts Baron; and if ſuch Plaintiff were Nonſuited, or a Verdict paſs'd againſt him, he was Amerced to the King, as appears by the Entry of every ſuch Judgment, which is *qd. quer. ſit in Miſericordia*, or *Capiat. pro Injuſto clamore ſuo.*

II. By the Ancient Law, the King by his Royal Prerogative might Impriſon his Subject for Debt, but one Subject could not Impriſon another, until the Statute of Action *Burnell.* 13 *Ed.* 1. & 27 *Ed.* 3. and ſome later Statutes in particular Caſes, but never pretended to hold any Defendant to Bail, on meaſne Proceſs unleſs it were for Debt upon Bond, or for Rent in Arrear, or for Debt appearing to be due by ſome Writing under the Defendants Hand at leaſt, until within Fourty years laſt paſt.

III. By the Ancient Law of *England*, when an Original was Filed in Debt, the next Proceſs was a Summons for the Defendant to appear at a certain day, to anſwer the Plaintiffs Action; at the Return whereof, if the Defendant did not appear a Writ of *Capias* was awarded to Arreſt him, for his contempt of the Authority of the Kings Court, which *Capias* was made Returnable ſome day in that Term, or the next 15 days at leaſt after the *teſte* or date thereof; at which day, if the Sheriff did Return, that the Defendant was not found in his Bayliwick, the Court granted another Writ called an *alias Capias*, directed to the ſame Sheriff, Returnable 15 days at leaſt after the *teſte* or date thereof, commanding him to Arreſt the Defendant; at which day if the Sheriff returned that the Defendant was not found, &c. the Court granted a third Writ called a *Pluries Capias*, with the like *teſte* and Return; whereon if the Sheriff Returned the third time, that the Defendant was not found, &c. the Court then granted a Writ of *Exigent*, commanding the Sheriff to call the Defendant from County Court to County Court, five Courts following; and alſo another Writ, called a *Proclamation*, commanding the Sheriff to make three publick Proclamations, one at the County Court, another at the General Quarter Seſſions, and the third at the Church-door where the Defendant lived, on a *Sunday* immediately after Sermon or Divine Service; and if the Defendant did then render himſelf, or retained an Attorney to File a *Superſedeas*, which coſt him 2 *s.* 4 *d.* all theſe Proceedings were diſcharged, and his Appearance accepted without Bail, and the Defendant to make his defence as a Free man, but if he then failed to appear after Summons, and ſo many Writs and Proclamations, he was adjudged an Outlawed perſon, and thereby to Forfeit the Iſſues and Profits of all his Lands and Tenements, and all his Goods and Chattels to the King, and his Body to be committed to Priſon, and not to have the benefit of the Kings Laws in any of the Kings Courts of Law or Equity.

IV. By the Ancient Law, when the Plaintiff had recovered Judgment in any Action, after a Year had paſs'd without any Proſecution, he could not take out any Execution thereon, without ſuing forth a *Scire facias*, for the Defendant to ſhew cauſe why Execution ſhould not go againſt him, the Law ſuppoſing the Debt might be ſatisfyed when there had been no Proſecution in all that time.

V. By the Ancient Law, when a Writ of Error was brought to reverſe any Judgment, and the Plaintiff therein had put Bail, there was a *Superſedeas* to ſtay all Proceedings on the Original Judgment, until the Error was tryed, and the Defendant all that while was ſafe.

VI. By the Ancient Law of *England*, generally where one was ſued for a Debt without Specialty under the Defendants Hand and Seal, the Defendant might wage his Law by ſwearing he owed the Plaintiff nothing, and bringing his *Compurgat* into Court, to ſwear they believed him, he was diſcharged.

VII. By the Ancient Law, when the Debtor had given Bond for what he owed, he was ſafe until the day of Payment.

VIII. By the Ancient Rules of Practice, when one brought an *Audita Querela*, two perſons only were required for Bail, and the Preſidents were ſo but Fourty Years ſince.

IX. By the Law of *England*, no Attorney could appear for any Man without his Order.

X. By the Ancient Law, If the Defendant pleaded ſeveral Matters in his defence or juſtification to the ſame thing, the Plaintiff might demur for the uncertainty, for that he could not thereon joyn a ſingle Iſſue.

I. BY the Law now in Practice, every Man that pretends an Action againſt another, tho' but feigned, hath liberty to Arreſt his Adverſary for any Sum, and hold him to Bail at his pleaſure, without giving any Pledges to Proſecute, but only naming *Jo. Doe* and *Rich. Roe*, or any two imaginary Perſons for his Pledges; but if the nominating ſuch Pledges be omitted in any Declaration, its held a manifeſt fatal Error not to be help'd. So zealous are we for Shadows, neglecting Subſtances.

II. By the Law now in Practice, every Man hath liberty not only to Impriſon his fellow Subject in Execution for Debt, but alſo to hold him arbitrarily to Bail on meſne Proceſs, which was never practiſed in *Weſtminſter Hall* in the time of King *Char.* I. the Rump Parliament, the Protectors, nor in the beginning of King *Char.* II. until the Court of *Kings Bench* growing much on the *Common Pleas* by the Writ of *Lat.* which paid no Fine, as Originals in Debt did in the *Common Pleas*, whereby that Court loſt not only great part of the Practice, but alſo the Lord Chancellor and Lord Chief Juſtice of that Court finding themſelves much prejudiced in their Shares of thoſe Fines, they joyned to procure the Statute made in the ſecond Seſſion of Parliament, 13 *Car.* 2. that no Man ſhould be held to Bail, unleſs the Cauſe of Action appeared in the Writ; after which, for ſome Years, the *Common Pleas* recovered ground on the *Kings Bench*, until Sir *Matthew Hale* was made Lord Chief Juſtice of *England*, who about 1657. incerted the Clauſe of *ac Etiam Bille*, &c. in the Writ of *Lat.* and by that means regained their ground of the *Common Pleas*, whereof that Court being ſenſible, found it abſolutely neceſſary to make all their Originals in Treſpaſſes, and to incert the ſame Clauſe of *ac Etiam*, &c. in their Writs of *Capias*, and after Judgment, to File an Original in Debt, perchance in one caſe of twenty; ever ſince which time, both Courts have vyed on each other in the point of holding Defendants to Bail: So that in the leaſt Action upon the Caſe, Treſpaſs, or any other Action, feigning any ſpecial Matter whatſoever, tho' never ſo falſe in the *ac Etiam*, every Man is Arbitrarily Impriſoned as aboveſaid, whereby all the Priſons in *England*, eſpecially the *Kings Bench* and *Fleet* are ſo crowded with Priſoners.

III. By the Law now Practiſed, the Summons is only mentioned in the Declaration, but never ſerved on the Defendant, the three ſeveral Writs of *Capias*, *alias* & *Pluries*, are all ſealed at once, and brought to the Sheriff together, but with ſeveral Treſpaſſes and Returns, with 15 days betwixt each of them; and the Sheriff, who is ſworn to make no falſe Returns, muſt at his peril return then altogether at once, though brought to him ſo long after their ſeveral days of Return, and the Proclamations at the County Court, the Quarter Seſſions, and the Church-door, are either not made at all, or ſo made that they are but a meer Mockery, ſo contrived that the Defendant ſhall have no notice at all, until he is taken on the Outlawry, and hath thereby forfeited the Iſſues and Profits of his Lands, and all his Goods and Chattels; and he being a cloſe Priſoner, his Adverſary takes advantage to proceed againſt him in all Courts, who for want of making his Defence, is condemned and ruined without being heard, and all this Calamity brought upon him without any Fault or Neglect of his in the leaſt; and the Peers of *England* are not abſolutely out of Danger in this Caſe.

IV. By the Law now, when a Judgment is Entred, and a Year, two, three, ten, or more are paſt, the Plaintiff takes an *ac Etiam* out of either of the Courts of *Weſtminſter*, and holds the Defendant to Bail in double the Judgment, which is the ſame in effect as if he were taken in Execution; and if ſometimes there be a *ſcire facias*, its but a Formality; for its ſo managed, that the Defendant ſhall have no notice thereof, until taken in Execution.

V. But now though the Plaintiff in the Writ of Error, hath put in never ſo good Bail, the Plaintiff in the Original Action may Arreſt the Defendant on that Judgment, and Declare in a new Action of Debt, and recover another Judgment, and take the Defendant in Execution thereon, tho' his Writ of Error be depending undetermined.

VI. But now all ſuch Actions are turned into Actions on the Caſe, *Indebitat. Aſſumpſit*, *quant. meruit*, *Infimul Computaſſet*, *mutuat.* and ſeveral other Actions wherein the Plaintiff may declare for 1000 *l.* or as much as he pleaſe, and hold the Defendant to Bail, and if he proves but a penny, he recovers it and his full Coſts.

VII. But now though the Debtor hath given Bond for what he owes, the Creditor, on pretence the Debtor is about to run away, may Arreſt him before the day of Payment, and hold him to Bail.

VIII. By the Practice now, four perſons are required for Bail in *Audita Querela*, and in time may require four and twenty.

IX. By our Law now, if two, three, or four perſons, or more, are bound in a Bond or a Bill Obligatory, any one of them may give an Attorney order to appear for himſelf, and all the reſt, and recover Execution againſt all or any of them without their knowledge, and then he himſelf goes free.

X. By the Practice now, the Plaintiff may lay 2, 3, 5, 10, 20 ſeveral Promiſes or more, in one Declaration, and oblige the Defendant to make his Defence to them all at his peril.

By theſe and divers other ſtrange Practices of this ſort, the Law of *England*, as it is now practiſed, compared with what it was anciently, looks like a prodigious Monſter, abſolutely deſtructive to the Liberty of the Subject, whereby all the Priſons in *England*, though they have often been emptied by many good Acts, eſpecially in His preſent Majeſties Reign, yet are they now as full as ever; and ſhould they now be cleared again, will in a Year or two be as full as they are now, unleſs theſe Abuſes, and many others, be reformed by ſome good Act or Acts of Parliament.

By the KING

A PROCLAMATION.

JAMES R.

JAMES the Seventh by the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith, *&c.* To all and ſundry Our good Subjects whom theſe Preſents do or may Concern, Greeting. Whereas by Our Royal Proclamation of the date the 12 day of *February* 168⅞ We were graciouſly pleaſed for the Cauſes, and on the Terms therein mentioned, to grant Our Royal Tolleration to the Profeſſors of the Chriſtian Religion therein named; With and under certain Reſtrictions and Limitations; All which are in the ſaid Proclamation more at length expreſſed: We now taking into Our Royal Conſideration the ſiniſtruous Interpretations, which either have, or may be made of ſome Reſtrictions, therein mentioned. Have thought fit by this Our Royal Proclamation, further to Declare, that We will Protect Our Arch-Biſhops, and Biſhops, and all Our Subjects of the Proteſtant Religion, in the free Exerciſe of their Proteſtant Religion, as it is by Law Eſtabliſhed, and in the Quiet and Full Injoyment of all their Poſſeſſions, without any Moleſtation or Diſturbance whatſoever. And We do likewiſe by Our Soveraign Authority, Prerogative-Royal, and Abſolute Power, Suſpend, Stop and Diſable, all Penal and Sanguinary Laws, made againſt any for Non-conformity to the Religion Eſtabliſhed by Law, in that Our Ancient Kingdom, or for Exerciſing their reſpective Worſhips, Religions, Rites and Ceremonies; All which Laws are hereby Stopt, Suſpended and Diſabled to all Intents and Purpoſes. And to the end that by the Liberty thereby granted, the Peace and Security of Our Government in the Practice thereof, may not be Endangered, We have thought fit, and do hereby ſtraitly Charge and Command all Our Loving Subjects, that as We do give them leave to Meet and Serve God after their own Way and Manner, be it in privat Houſes, Chappels, or Places purpoſely Hired or Built for that uſe, ſo that they take care that nothing be Preached or Taught among them which may any ways tend to Alienat the Hearts of Our People from Us, or Our Government, and that their Meetings be peaceable, openly and publickly held, and all Perſons freely admitted to them, and that they do ſignifie and make known to ſome one or more of the next Privy Counſellors, Sheriffs, Stewards, Baillies, Juſtices of the Peace, or Magiſtrats of Burghs-Royal, what Place or Places they ſet a part for theſe uſes, with the Names of the Preachers.

And that all Our Subjects may enjoy ſuch their Religious Aſſemblies with greater aſſurance and protection, We have thought fit, and do hereby Command, that no Diſturbance of any kind be made or given unto them, under pain of Our Royal diſpleaſure, and to be further proceeded againſt with the outmoſt ſeverity; Provided always, that their Meetings be in Houſes, or Places provided for the purpoſe, and not in the open Fields, for which now after this Our Royal Grace and Favour ſhown (which ſurpaſſes the Hopes, and equals the very Wiſhes of the moſt zealouſly concerned) there is not the leaſt ſhadow of excuſe left; Which Meetings in Fields We do hereby ſtrictly prohibite and forbid, againſt all which We do leave Our Laws and Acts of Parliament in full force and vigour, notwithſtanding the Premiſſes; And do further Command all Our Judges, Magiſtrats, and Officers of Our Forces, to proſecute ſuch as ſhall be guilty of the ſaids Field-Conventicles or Aſſemblies with the outmoſt Rigour, as they would avoid Our Higheſt Diſpleaſure; For We are confident none will, after theſe Liberties and Freedoms We have given to all, without reſerve, to ſerve God in their own way, preſume to meet in theſe Aſſemblies, except ſuch as make a pretence of Religion, to cover their Treaſonable Deſigns againſt Our Royal Perſon, and the Peace of Our Government. And Laſtly, To the end all Our good Subjects may have notice of this Our Royal Will and Pleaſure, We do hereby Command Our Lyon King at Arms, and his Brethren Heraulds, Macers, Purſevants, and Meſſengers at Arms, to make timeous Proclamation thereof at the Mercat-Croſs of *Edinburgh*: And beſides the Printing and Publiſhing of this Our Royal Proclamation, It is Our expreſs Will and Pleaſure, that the ſame be paſt under Our Great Seal of that Our Kingdom *per ſaltum*, without paſſing any other Seal or Regiſter. In order whereunto, theſe ſhall be to the Directors of Our Chancellary and their Deputs, for Writing the ſame, and to Our Chancellor, for cauſing Our Great Seal aforeſaid to be Appended thereunto, a ſufficient Warrand. Given at Our Court at *Windſor* the 28 day of *June*, 1687. And of Our Reign the Third Year.

By His *MAJESTIES* Command,
MELFORT.

Edinburgh, *July* 5. 1687.

Preſent in Council.

James Earl of *Perth* Lord High Chancellor.
John Lord Archbiſhop of *Glaſgow*.
The Lord Marqueſs of *Athol* Privy Seal.
Duke of *Hamilton*.
Duke of *Gordon*.
Earl of *Arran*.
Earl of *Linlithgow*.
Earl of *Dunfermling*.
Earl of *Strathmore*.
Earl of *Lauderdale*.
Earl of *Southeſk*.
Earl of *Airly*.
Lo. Viſcount *Tarbat*.
Lo. Viſcount *Stratballan*.
Lo. *Livingſton*.
Lo. *Preſident of Seſſion*.
Lo. *Advocat*.
Lo. *Juſtice-Clerk*.
Lo. *Caſtlehill*.
Generall Leivtenent Douglaſs.
Niddrie.

THE above-written Proclamation from His moſt Sacred *Majeſty*, being Read in His Privy Council of *Scotland*, was in purſuance of His *Majeſties* Royal Commands ordered to be publiſhed with all due Solemnities. Extracted forth of the Records of His *Majeſties* Council by me Sir *William Paterſon* Clerk to His Majeſties moſt Honourable Privy Council.

WILL. PATERSON.

GOD SAVE THE KING.

EDINBURGH, Printed by the Heir of *Andrew Anderſon*, Printer to His moſt Sacred *Majeſty*, *Anno DOM.* 1687.

THE CASE OF *MILES FLEETWOOD*, Merchant.

MR. *Fleetwood*, a Merchant of the *Turky* Company, having travelled into the Kingdom of *Egypt*, obſerved, That the Trade of that Kingdom, which had been abandon'd by the *Engliſh* above Forty Years, was carried on by the *French* with great Succeſs and Advantage to that Nation: And finding that the Markets were in a great meaſure ſupplied with *Engliſh* Commodities, upon his Return to *England* repreſented it to the *Turky* Company here; and propoſed to them a Proſpect of Re-eſtabliſhing an *Engliſh* Factory in *Egypt*, to revive a Trade, which would prove of great Benefit and Intereſt to the Company, and to *England* in general. The Company, being ignorant of the Advantage of a Commerce diſuſed for ſo many Years, were unwilling to hazard any thing for the Recovery of it; but promiſed Mr. *Fleetwood* all the Encouragement and Protection the Company could give him, if he thought fit, at his own Expence, and hazard of the Event, to endeavour to procure a Settlement of the *Engliſh* Trade in *Egypt*; and, if he ſucceeded, promiſed further, to appoint him their Conſul there, for the Superintendency and Government of the Trade, and Protection of the *Engliſh* Factory in their Privileges; and authorized him to negotiate this Affair at the *Ottoman* Court, by the Mediation and Patronage of my Lord *Pagett*, Ambaſſador there, to whom they ſent Inſtructions for that Purpoſe.

Upon this Encouragement from the Company, Mr. *Fleetwood* undertook this Affair, and in purſuance of it went from *London* in *July*, 1695, to the *Turky* Court; where, after Four Months Application and Attendance, he was told, That the Imperial Command could not be had without a Previous Aſſurance, That the Government of *Egypt* would admit the *Engliſh* to Trade upon the Terms and with the Privileges deſired.

To procure ſuch a Conſent from that Government, Mr. *Fleetwood*, with the Directions of the Lord *Pagett* and the *Turky* Lord Chancellor to that purpoſe, continued his Journey into *Egypt*; where, in the beginning of the Year 1696. by a diligent Application, he obtained an Agreement for the Rate of Cuſtoms, upon the ſame Terms with the *French*; which was Ratified by the Baſha, Chief Juſtice, and the Council of *Egypt*.

Of this Agreement Mr. *Fleetwood* tranſmitted Copies forthwith to the Lord *Pagett*, and to the Company in *England*, that he might receive from both ſuch Power and Authority as were requiſite to eſtabliſh him in the Office of Conſul, and thereby enable him to protect and advance the Trade. He in the mean time enjoying all Privileges required by Vertue of this Agreement, made in Expectation of and upon Promiſe and Aſſurance of ſuch Power to follow, but continuing at *Cairo* a whole Year, without any Power or Authority ſent him, either from the *Turky* Company or the Lord *Pagett*, the Baſha of *Egypt* accuſed him as an Impoſtor, who had tranſacted this Affair without Warrant or Authority, commanded him to the common Gaol, from whence he could not redeem himſelf without paying a Thouſand Pounds for his Liberty, and the Security of the Eſtate he was poſſeſſed of as Factor.

Nor was this the only Loſs occaſioned by this negligent Delay: For by want of ſufficient Authority he lay expoſed to many Inſults, which proved very chargeable to him; and under theſe Difficulties he continued another whole Year, to the 30th of *June*, 1698. at which time arrived at *Cairo* the Imperial Command, with ſubordinate Commands in Conformity to it, to eſtabliſh the *Engliſh* Trade in *Egypt* in equal Privileges with the *French*, and to conſtitute Mr. *Fleetwood* Conſul there.

Accordingly Mr. *Fleetwood* was admitted Conſul in *Cairo*, the Fifth of *July*, 1698. And from that Day the Merchants and Factors enjoyed all the Privileges of Trade. But before this Eſtabliſhment was effected, it had coſt Mr. *Fleetwood* above Two thouſand Pounds.

The *Turky* Company at *London*, on the Fifth of *May*, 1697. had elected Mr. *Fleetwood* to be their Conſul in *Egypt*; but their Powers or Orders for that purpoſe, as alſo for the Regulation of Trade, were not ſent from *London* till the 26th of *July*, 1699. and did not arrive at *Cairo* before the 27th of *November* following.

This Delay alſo in this particular was of great Diſadvantage to the Conſul and Trade, beſides that it occaſioned a Diſpute concerning Conſulage and other Duties, which is not yet adjuſted, but the Determination of it hath been hitherto prevented by the Impriſonment of Mr. *Fleetwood*, which happened in the manner following.

The Lord *Pagett* having conceived a Diſpleaſure againſt Mr. *Fleetwood*, (whether ariſing from the falſe Information and ill Practices of his Enemies, or from any other Cauſe) wrote to him with great Severity of Expreſſions; laying to his Charge Abuſes and ill Conduct in general, of which he had received Complaints from Captains of Ships at *Conſtantinople*; and farther requiring him forthwith to account with the Company's Treaſurer at *Conſtantinople*, for a Fourth Part of the Conſulage, which the Company was to have by the Articles of Eſtabliſhment; and concluded his Letter with Threatnings to the Conſul, That he ſhould hear from him after another manner in a ſhort time. In anſwer to this Letter of the Lord Ambaſſador's, Mr. *Fleetwood* juſtified himſelf, as to the Abuſes pretended; and ſhewed, That the Complaints had no other ground, than the Malice of his Enemies, who uſed all Arts to get him out of his Office, or themſelves into it.

And as to the Account required, he would be always ready to make it, when the Company would enable him to do ſo, by aſcertaining the Duties, and the Times when they were to begin and end: That before, it was impoſſible for him; but as ſoon as he received the Company's Directions in theſe Points, he would tranſmit his Accounts to the Company, and anſwer the Company's Part of the Duties.

The Lord *Pagett* not being ſatisfied with this Anſwer, quickly explained his Threats; for he took out an Imperial Command, to remove Mr. *Fleetwood* from his Office, and bring him Priſoner to *Conſtantinople*, there to anſwer the Account required, and whatever elſe was laid to his Charge.

By Vertue of this Command Mr. *Fleetwood* was taken up by a Meſſenger, and brought Priſoner to *Conſtantinople*, where he remained in Cuſtody Four Months; the Lord *Pagett* being gone for *England*, and his Succeſſor Sir *Robert Sutton* having no Miſdemeanour to charge Mr. *Fleetwood* with, and being ſatisfied with the Reaſons why he could not yet make up his Account, he was diſcharged of his Confinement.

But conſidering his hard Circumſtances, and the Condition of his Affairs, the publick Diſgrace and Treatment of a Criminal, which he had undergone, and though it was undeſerved, yet by this means his Credit, Intereſt, and the Authority of his Office were loſt at *Cairo*, he found it impracticable to return thither; and therefore is come to *England* to ſeek ſome Redreſs of his Grievances: Hoping, That an *Engliſh* Man and a Magiſtrate in a publick Office, and ſettled therein for the Government and Protection of a National Commerce; who has ſuffered the Loſs of his Liberty by an Arbitrary Impriſonment, the Loſs of his Reputation by ſo manifeſt and ſcandalous a Diſgrace, and a very great Loſs of Eſtate, to the Value of above Four thouſand Pounds, in his Office, and is now deprived of the Means to reimburſe himſelf by any Profits of it; will not be without Remedy: And ſince he is not Conſcious of any Crime or Miſbehaviour in his Office, conceives his Caſe proper to be repreſented to the Queen by Petition:

Praying Her Majeſty to Require from Her Ambaſſador, and the Turky *Company, the Reaſon of theſe Rigorous Proceedings; and that She will be Graciouſly pleaſed to Order Her Petitioner ſuch Reparation and Satisfaction, as She in Her Royal Wiſdom ſhall think fit.*

THE CASE OF SEVERAL ENGLISH-CATHOLICKS in Communion with the Church of *Rome*.

WHereas divers ſevere Laws have formerly been Enacted, whoſe rigour threatning an utter ruine to us, we muſt with all gratitude acknowledge has been diverted by a merciful moderation in the execution of them; we are by that mercy encouraged to believe, that it was not intended by the wiſdome which framed thoſe laws, or which at any time after deſired or ordered the execution of them, that there ſhould be any perſecution of conſciences truly tender or men diſquieted and cal'd in queſtion for differences of opinion in matters of Religion, which do not diſturb the peace of the Kingdom; and this we are the more inclined to believe becauſe we dayly hear and reade it laid to our charge, that ſuch of our Communion who have undergone the penaltys of thoſe laws, have ſuffered not for Religion but Treaſon; and that for this reaſon, (as we conceive,) becauſe it is commonly thought, that the principles of our Religion oblige us to believe in the Pope, a power inconſiſtent with the duty of good Subjects; As we cannot but with grief acknowledge, the doctrines and practiſes of ſome of our communion have given too much ground to ſuch an apprehenſion, ſo we humbly crave leave to inform, that our Religion doth not oblige us to any ſuch belief of the Popes power. on the contrary we for our parts are ſo far from believing ſuch doctrines true, or ſuch practiſes allowable, that we utterly deteſt both, and are fully perſwaded in our conſciences as we ſhall anſwer it to God.

That the Crown of *England* (according to antient declarations of Parliament, is and at all times hath been free, and in no earthly ſubjection, but is immediatly ſubject to God in all things, touching the regality of the ſame, and to none other.

That our Sovereign Lord King *Charles* is lawful and rightful King of this Realm, and of all other his Majeſties Dominions and Countries, and has (under God) the Soveraignty and rule over all manner of perſons born within theſe Realms, Dominions and Countries, of what Eſtate, either Eccleſiaſtical or temporal, ſoever they be, ſo as no foreign power ſhall or ought to have any ſuperiority over them repugnant to the ſame.

That the Pope has no power or authority, direct or indirect, formal, virtual, eminential, or by whatever words it is, or may be phraſed, either of himſelf, or by any authority of the Church or See of *Rome*, or by any other means, with any other, under pretence of inſufficiency or crime, even of Apoſtacy Hereſy Schiſme or any other pretext, for any matter or cauſe whatſoever, to depoſe his ſacred Majeſty, or diſpoſe of any of his Majeſties Kingdomes or Dominions, or any part thereof, or to authoriſe any foreign Prince to invade or annoy him or his Country, or diſcharge any of his ſubjects of their allegiance and obedience to his Majeſty, or give licence or leave to any of them to bear armes, raiſe tumults, or offer any violence or hurt to his Majeſties Royal perſon, ſtate or Government, or to any of his Majeſties ſubjects within his Majeſties Dominions: or ſuſpend him from the exerciſe of his Regal power, or transfer the rights of his Crown to any other, or diſpence with an oath taken, or to be taken by his ſubjects in recognition, and for aſſurance of their Allegiance, or do any act whereby the allegiance of his Subjects may in any ſort be taken away or diminiſht.

Further, whereas we are informed, that it has been maintained by ſome, that in ſome caſes particularly of Apoſtacy, Hereſy and Schiſm, a King ceaſes to be a King and is no longer for ſuch to be acknowledged, but that his ſubjects, eſpecially if the Pope by judicial ſentence declare him to be falen from his right to reign, and abſolve his ſubjects from their obedience, are free from any tye of obedience to him, and at liberty to provide otherwiſe for the government; we are alſo fully perſwaded this doctrin is very falſe and very wicked and ſhall in all caſes, notwithſtanding any declaration or ſentence of the Pope whether of deprivation depoſition, excommunication or whatever it is, or may be for thoſe or any other caſes or cauſes, bear true faith and allegeance to his Majeſty, his heires and Succeſſors, according to the Laws of the land, and believe our ſelves obliged in conſcience ſo to do; as likewiſe to ſtand by and defend him and them to the uttermoſt of our powers againſt all trayterous conſpiracys and attemps whatſoever, which ſhall be made againſt his or their perſon, crown, or dignity, by reaſon of any ſuch ſentence or declaration or otherwiſe; and do our beſt to make known to his Majeſty his heirs and Succeſſors all treaſons and traiterous conſpiracies, which we ſhall know or hear to be againſt him or any of them.

Alſo we do from our hearts deteſt and are ready to abjure, this damnable doctrine and poſition that Princes which be excommunicated or deprived by the Pope may be depoſed or murthered by their ſubjects, or any other whatſoever.

The premiſes conſiderd, and ſeeing we are ready, ſincerely as in the ſight of God without any æquivocation or mental reſervation to confirm all above ſaid by oath or any thing elſe, which ſhall be neceſſary to wipe off thoſe aſperſions, which the doctrines and practiſes of ſome have caſt upon our religion and make out its conſiſtency with civil government, and this in ſuch manner and form of words as ſhall be preſcribed, if through unwarineſs we have omitted any thing material, and to renounce all doctrines and practiſes contrary to the duty of good ſubjects, notwithſtanding any Pardons or Diſpenſations whatſoever, we humbly ſollicite that merciful inclination which we hope is powerful in all Engliſh breaſts, that ſuch of us as are fully perſwaded as aforeſaid, and ſhal give aſſurance of ſuch perſwaſion in ſuch manner as ſhall be thought expedient, may not be oppreſſed with the ſeverity of thoſe laws which we humbly conceive were intended againſt contrary principles; and that we may not be puniſhed for the faults of others, & meerly for following the dictates of our conſciences in matters of religion which do not diſturb the peace of the Kingdom: but without pretence to offices or imployments of truſt may be admitted to ſuch a proportion of mercy as ſhall be thought convenient.

Edmond Griffin, *Esq*;
Apellant.

John Lingard,
Respondent.

The CASE *of* EDMOND GRIFFIN, *Esq*; *upon his Appeal in Parliament.*

July *or* August 1657.

Richard Griffin, the Appellants Father, in *July* or *August* 1657. conveys the Mannor of *Bartherton*, and all the Messuages and Lands therein to *Jeffrey Minshall* and his Heirs, and *Edward Matthews* and *Henry Cole*, who had prior Incumbrances joyned in the same Conveyance; and though there be 2100 *l.* or some such great Summ mentioned as the consideration; yet the same is defeazanced by *Jeffrey Minshall* to be a security only for 700 *l.* and on payment thereof to be reconveyed.

May 25. 1655. *Conveyance to* Edmond.

Before this Conveyance the Appellants Father, *viz. May* 25. 1655. had conveyed parcel of the Premisses worth about 15 *l. per annum*, to *Edmond Griffin* his younger Brother, in recompence of 300 *l.* which he was to have for his portion wherewith the Premisses stood charged by a Deed made by the Appellants Grandfather; which Conveyance, though prior to *Minshalls*, yet was subsequent to *Matthews* and *Coles* Incumbrances, and *Minshall* had also agreed, that all the Farms in Leases should be exempt from his Security; and though there were Words in his Conveyance to comprehend them, yet that was to take the Estate out of *Matthews* and *Cole*, and therefore to prevent future mistakes.

Nov. 5. 1657. *Defeasance of* Edmonds *Land, and the Leased Lands.*

Jeffrey Minshall, by Deed under his Hand and Seal, dated the 5th day of *November*, 1657. declares and agrees that no Lands were intended to pass to him, but only such as were in the Actual Possession of *Mathews*, at the time of the Sealing his Conveyance; and that all Lands that were conveyed, or agreed to be conveyed to *Edmond Griffin*, in Lieu of his Portion, and all Lands then in Lease, should not be intended to pass by his Conveyance.

Edmond Griffin accordingly enjoyed the Lands conveyed to him, and died about 20 years after; and then the same descended to the Appellant's Father, who enjoyed the same for his Life; and then they descended to the Appellant, who now enjoys the same, and the Rents and Services of the Leased Lands were enjoyed by the Appellant's Father for his Life, and by the Appellant since, who ought to have the Reversion thereof, as the Leases fall; which Enjoyment being near 40 years, makes a good Title though the Appellant had no other.

That about the year, 1658. *Jeffrey Minshall* died, and his Estate came to *Randal* his Brother, and from him to one *William Collington*; and during their respective Times, several Accounts were stated, and Agreements made about the Redemption of the Premisses; but by *Minshall* and *Collington's* Contrivances, who aimed at the Estate, the same were rendred fruitless.

Whatton's *Mortgage*, 1680.

Randal Minshall and *Collington*, in the year, 1680. mortgaged to *Whatton* for 600 *l.* and about 1683. *Whatton* assigns to the Respondent, who sets off some Debts of his own, and advances a little Money, and

1683. Lingard *had notice of the Appellants Title.*

makes it up 1000 *l.* and in the year 1683. not only took notice of the Appellant's Father's Title, and exhibited his Bill against him; but in *Easter-Term*, 1684. had his Answer, whereby he set forth his Claims particularly.

August 1687. *Account*

Yet the Respondent, to clog the Estate, and make it not worth Redemption, pretends to advance further Money; And the 22d of *August*, 1687. an Account is pretended to be stated betwixt *Collington* and him; whereby *Collington* agrees, 1685. *l.* to be then due, and Charges the same on the Premisses to carry Interest from that time.

Appellant's Father dyed, 1684.

The Appellant's Father died, 1684. and his Right descended to the Appellant, then an Infant, against whom the Cause was revived; and the Appellant in 1689. attained his Age, and exhibited his Cross-Bill in

Appellant at Age 1689.

Easter-Term, 1690. Whereto the Respondent answers, and confesses he had notice of the Appellant's Father's Claim, when he had lent 1000 *l.*

Hearings Nov. 14. 1690.

Both Causes came to Hearing, the 14th of *November*, 1690. and the Court declared there was no sufficient proof of Notice; and therefore if the Appellant wouldredeem, he ought to pay the Respondent his Principle and Interest, due on the foot of the last Account with *Collington*, with Costs both at Law and in that Court, and did Order and Decree that the Appellant should before the end of the Term, give his Answer to the Register, whether he would redeem on those Terms; and in the mean time ordered the Respondent to give him a Particular of his Demands.

Dec. 15. 1690. *his Bill dismissed.*

By another order of the 15*th. Decemb.* 1690. for default of the Appellants signing the Registers Book, to signifie his consent to redeem on the Terms aforesaid, his Bill is dismissed, and he decreed to make farther assurance of the Premisses mentioned to be conveyed to the Respondent, by his Conveyance and Deed of Mortgage, (wherein there are Words that comprehend both the Estate the Appellant hath, whichwas conveyed to *Edmond Griffin* for his Portion, and the Lands in Lease;) and this Appellant and his Tennants are now prosecuted for the same.

Exceptions against the Decree.

I. The Notice is sufficient, and therefore the Appellantought not to be charged with any Money advanced, after such notice; nor to be concluded by any account stated with *Collington* after that time.

II. The Appellant though he redeem, ought not to be charged with the Costs that the Respondent hath disburs'd, to support his own unjust pretensions; nor to be obliged to consent under his Hand to redeem on those Terms; neither ought his Bill for default thereof to be dismissed.

III. Though he redeem not the Premisses, he ought not to be compelled to make any assurance of the Lands conveyed to his Uncle for his Portion, nor of the Leased Lands, these being exempt by the first Mortgagee, and the Appellant hath a good Title at Law to the same: And the Respondent is not deceived; for he is in possession of all that *Minshall* or *Collington* had, which was a sufficient security for what he had lent before notice.

Note. That after the Respondent had got this Decree, he gave the Appellant a note of 2220 *l.* 3 *s.* 4 *d* which he claimed as due to him, though by his Answer, three Months before, he swears to 1850 *l.* only.

Note. That the Appellants Father was kept constantly in Suits by *Minshall's* contrivance, on purpose to disable him from redemption, and was so cheated in this matter, that he never had 300 *l.* of the 700 *l.* and yet hath lost the profit of the Estate above 30 years; and the Estate is above 100 *l. per annum*, and is 1000 *l.* worse then it was, by Felling and Selling of the Woods and Buildings, and other waste done by the Mortgagee, and those that claim under him.

The CASE

OF

Sr. CHARLES HOLT Bart.

1655. SIR *Robert Holt*, Father of Sir *Charles*, mortgag'd the Mannors of *Buſhwood* and *Lapworth*, &c. in the County of *Warwick*, to Mr. *Perrot*, for five hundred Years, to ſecure 2500 *l.* borrowed of Mr. *Perrot*.

1658. Sir *Robert Holt* borrowed 2500 *l.* more of Mr. *Perrot*, upon the ſame Mortgage, and ſome other additional Lands, amounting in all to about 700 *l. per annum*, and acknowledg'd a Recognizance of 8000 *l.* as a further Security for this Money.

1664. Sir *Robert Holt* borrowed 5000 *l.* of *William Gwavas* Eſq; to pay off Mr. *Perrot*: and Mr. *Perrot* and Sir *Robert Holt*, by Mr. *Gwavas*'s Order, aſſign'd over the Mortgage and Recognizance to *Andrew Fountaine* Eſq. The Mortgage was forfeited for non-Paiment of the Money at the time limited: And in 1670 Mr. *Fountaine* enter'd on the greateſt Part of the mortgag'd Eſtate, claiming the Mortgage-Money as his own Money, by Gift from Mr. *Coke*.

1671. Mr. *Gwavas* and others, Executors of Mr. *John Coke*, then late of *Holkham* in the County of *Norfolk* Eſq; claimed the ſaid 5000 *l.* as part of the perſonal Eſtate of Mr. *Coke*, placed out at Intereſt in Mr. *Fountaine*'s Name, in Truſt for Mr. *Coke*: and in Eaſter-Term, 1672. the Executors preferred a Bill into the Court of Exchequer-Chamber, againſt Mr. *Fountaine* and Sir *Robert Holt*, for this Money; whereby Sir *Robert Holt* was diſabled to pay either Principal or Intereſt, before the Cauſe was determin'd, unleſs he could have got the joint Conſent of all Parties pretending a Right to the Money, which he could never obtain.

Mr. *Fountaine* being then a Member of the Houſe of Commons, had his Privilege of Parliament, and by reaſon of the frequent Seſſions and Adjournments of Parliament, there was little proceeding in this Cauſe till the Year 1678. but Mr. *Fountaine* received the Profits of part of the mortgag'd Eſtate for ſeveral Years, amounting to about 2400 *l.* beyond all Deductions.

In *October* 1679, Sir *Robert Holt* died, and the Reverſion of the mortgag'd Eſtates deſcended to his Son and Heir Sir *Charles Holt*.

Sir *Charles Holt* waited for the Event of this Cauſe till Trinity-Term, 1681. and then finding it not likely to come to a ſpeedy Iſſue, preferred a Bill of Interpleader into the Court of Exchequer-Chamber, againſt Mr. *Fountaine* and the Executors of Mr. *Coke*; in which Bill, and by ſeveral Motions afterward made by his Counſel, he offer'd to pay the Money, then due upon the Mortgage, into that Court, and provided the Money ready; but the Court would not receive it without Mr. *Fountaine*'s Conſent, (which he always refuſed to give) yet ordered Sir *Charles Holt* to collect the Rents, and pay them into that Court.

In Trinity-Term, 1682. the Executors of Mr. *Coke* obtain'd a Decree againſt Mr. *Fountaine* for this Money, and Mr. *Fountaine* is ordered by this Decree to aſſign the Mortgage, and all Deeds relating to it, to Mr. *Coke*'s Executors, who are ſince declared by another Decree of the Court of Exchequer-Chamber, to be Executors in Truſt for *Edward Coke* Eſq; an Infant.

In Trinity-Term, 1693. the ſaid *Edward Coke*, by the Right Noble the Marqueſs of *Carmarthen* his Guardian, obtained another Decree, for this Money, againſt Sir *Charles Holt*, in the Court of Exchequer-Chamber; and by a ſubſequent Order of that Court Sir *Charles Holt* was ordered to pay 2000 *l.* Rents of the mortgag'd Eſtate he had in his Hands, in a few Days, and the Reſidue at *Michaelmas*, 1694; and if it be not then paid, he is to be foreclоſed of all Equity of Redemption of the mortgag'd Eſtate.

About 2800 *l.* has been paid for Intereſt, and received out of the Profits of the Eſtate. Sir *Charles Holt* has paid 3000 *l.* more into the Court of Exchequer, in obedience to an Order of that Court made in 1681; and 2000 *l.* more to Mr. *Coke*'s Guardian, in obedience to the laſt Decree.

Mr. *Fountaine*, who has the Eſtate in Law in him, and the Mortgage-Deeds in his Hands, has for eleven Years paſt refuſed to perform the Decree made againſt him in 1682, and ſtill refuſes: and Mr. *Coke*, to whom the Money is decreed to be paid, is not capable to transfer or vacate the Mortgage and Recognizance; by which Means Sir *Charles Holt* is not only kept out of the mortgag'd Eſtate, but is diſabled to ſell, or make any other Diſpoſal of it: And his other Eſtates are incumbred with the Recognizance.

Sir *Charles Holt* being thus compelled to remain a Debtor, contrary to his own Deſire, by reaſon of a dormant Truſt, which neither his Father, nor himſelf, had any notice of, till it was too late to prevent the many Inconveniencies they have ſuffer'd by it; and the greateſt part of the Debt having been already received out of the Rents, and recovered from him by Orders of the Court of Exchequer, and the Reſidue decreed to be paid by him, or his Eſtate to be taken from him, Humbly prays that the Mortgage and Recognizance for 8000 *l.* may, by Act of Parliament, (the only Remedy in this Caſe, as he is adviſed) be diveſted out of Mr. *Fountaine*, and be veſted in Truſtees, for raiſing the Money remaining due upon the Mortgage, and paying it into the Court of Exchequer-Chamber for the Uſe of ſuch Perſon to whom it doth of Right belong; and for conveying the Reſidue of the Eſtate, after the Debt paid, to Sir *Charles Holt*.

THE CASE OF WILLIAM ADDERLEY Esq;

Duly Elected a Burgeſs to ſerve in Parliament for the Burrough of *New Windſor* in the County of *Berks*.

Sir *Chriſtopher Wren*,
Henry Powle Esq;
William Adderley Esq; } Competitors.

THE Burrough of *New Windſor* ſends Two Burgeſſes to ſerve in Parliament by Preſcription.

By a Charter 5 *Edward* the Firſt, the King Grants that, *Probi homines ejuſdem Villæ ſint Liberi Burgenſes habeant Gildam Mercatoriam*, and Returns of Members of Parliament were made accordingly, and all *Henry* the Sixth time, the Returns were *Major & Communitas Burgenſium elegerunt, &c.* ſuch and ſuch to ſerve in Parliament.

In the Sixth of *Edward* the Fourth, that King for expreſs Conſideration, that the Inhabitants of *Windſor* had quitted a Right of Common, in Two Hundred Acres of Land, (now His Majeſties Houſe Park there:) he Incorporates the Mayor, Bayliffs, Burgeſſes and Inhabitants, by the Name of Mayor, Bayliffs and Burgeſſes, whereby every Inhabitant became a Burgeſs of the Corporation, as well as of the Burrough.

That by the Charter of King *James* the Firſt, they were then formed into a Select Number of Brothers of the Hall not exceeding Thirty, which (like the reſt of the Charters,) makes no mention of ſending Burgeſſes to Parliament.

Of late years the Selected Number of Brothers, not exceeding Thirty, have pretended to have the ſole choice, but whenever that matter came to be determined by this Honourable Houſe, their Pretences always proved groundleſs, as being contrary to all the antient Returns made of Members, to ſerve for that place; and particularly in *December* 1640. the Queſtion being, whether the Inhabitants in General, or a Particular Choice by Mayor, Bayliffs, and ſome few of the Town ſhould have Power of Election, this Honorable Houſe then Unanimouſly Reſolved, that the Inhabitants of Right, ought to Chooſe, and not the Special Men, which are the Words of the Journal.

The matter came again to be Controverted in *April* 1679, and the Queſtion was, Whether the Mayor, Bayliffs and Burgeſſes, not exceeding the Number of Thirty, or the Inhabitants at large, had the Right to Vote in Election to Parliament; The Houſe Reſolved, That the Mayor, Bayliffs and Burgeſſes of *New Windſor*, not exceeding the Number of Thirty, had not the Right of Election of Members to ſerve in Parliament for the Burrough of *New Windſor*. And Secondly, Reſolved, That *New Windſor* has a Right to ſend Burgeſſes to Parliament by Preſcription. And Thirdly, Reſolved, That all the Inhabitants of the Burrough of *New Windſor*, have the Right of Electing Members to ſerve in Parliament, and Mr. *Winwood* and Mr. *Starkey* had the Majority of the Inhabitants, (tho' the Mayor refuſed to admit their Voices) were by the Houſe adjudged legally Choſen, and the Mayor ordered to amend the Return.

And Laſtly, in *November* 1680, about the Election of *New VVindſor*, this Honorable Houſe again did Reſolve, That in the Burrough of *New VVindſor*, thoſe Inhabitants who pay Scot and Lot, have a Right to give Voices in the Election of Burgeſſes to ſerve in Parliament for the ſaid Burrough.

And on the day, and at the uſual place of Election, *viz.* at the Market Croſs, Mr. *Adderley* attended with the common Burgeſſes and Inhabitants, paying Scot and Lot, who duly choſe the ſaid Mr. *Adderley*, and thereupon Mr. *Adderley* went to the Town Hall, and demanded the Mayor to receive the Voices of the ſaid Burgeſſes and Inhabitants, and Return him, being by them Choſen, who refuſed, ſaying, he would Return Sir *Chriſtopher VVren* and *Henry Powle* Esq; for that he and his Brethren (being the Select Number) had Choſen them.

To The Mayor, Aldermen and Commonality of the Borough of *Hertford*. APPELLANTS.

Edward Hurſt, and *John Gray*, for and on the behalf of themſelves and the reſt of the Poor of the ſame Borough. RESPONDANTS.

The Appellant's CASE.

5 *Oct.* 17 *Jacobus* I. SIR *John Walter* and others, having a Term of 99 Years, Commencing from *Lady-Day*, in the 17th Year of *James* the Firſt, in certain Lands called *Kings-Mead* in *Hertford*, (among other things) and the Corporation of *Hertford*, being about to Purchaſe from the Crown the Inheritance of the ſaid Meadow.

28 *Jun.* 3 *Car.* I. The Corporation Purchaſed this 99 Years Term from the ſaid Sir *John Walter* and others, in the Names of ſeveral Truſtees made uſe of, in Truſt for the Corporation.

30 *Nov.* 3 *Car.* I. The Corporation Purchaſed the Inheritance of the ſaid Meadow from the Crown, to them, and their Succeſſors, under a Fee Farm Rent of 4 *l.* 14 *s.* 4 *d.* reſerved to the Crown. The Conſideration of the Grant is 100 *l.* by them paid to the Crown. And the Conſideration of the Aſſignment of the Term, is mentioned to be for a Competant Sum of Money.

Ever ſince this Grant, the Corporation has enjoyed this Meadow, until about Three Years laſt paſt, but have Yearly given to the Poor a Charity thereout of 40 *s.* by the Name of the Graſs-Money.

14 *January*, 1645. In the Year 1645. in the times of Trouble, ſome Enemies of the Corporation, having taken out a Commiſſion for Charitable Uſes, and it having among other Things been thereupon found by Inquiſition, that this Meadow was Purchaſed by the Corporation in Truſt for the Benefit of the Poor of *Hertford*. It was Decreed by the Commiſſioners that the ſame did belong to the Poor.

But nothing was ever done upon this Decree, but the Meadow enjoyed by the Corporation as before.

1 *March*, 1681. Another Commiſſion for Charitable Uſes having been taken out, and the Inquiſition thereupon (among other things) finding the ſaid Grant made from the Crown to the ſaid Corporation: It was thereupon Decreed, That the ſaid Grant from the Crown of this Meadow, was for the proper Uſe of the Corporation, without any Truſt for the Poor.

13 *September*, 1708. Upon an other Commiſſion taken out for Charitable Uſes: It was found that the ſaid Grant from the Crown, of the ſaid Meadow, although abſolutely made to the Corporation, and their Succeſſors, without any Truſt or Uſe therein mentioned to the Poor, yet that the ſame was in truſt for the Poor, and it was thought fit on the 13th of *September*, 1708. to Decree (among other things) that this Meadow did belong to the Poor of *Hertford*, and that the Corporation ſhould Account for the Rents and Profits thereof, from the 14th of *January*, 1645. and the yearly Value of the ſaid Meadow was thereby aſſertained at 15 *l.* 11 *s.* 10 *d* It was Decreed that Intereſt at 5 *l. per Cent.* ſhould be paid Annually, for the ſaid Yearly Value of the ſaid Meadow, and did Decree the Corporation to pay on the 19th of *January* then next, for the Uſe of the Poor the Sum of 2495 *l* 7 *s.* deducting thereout the ſaid 100 *l.* and Intereſt paid by the Corporation to the Crown, for the ſaid Grant of the Inheritance.

November, 1709. On Exceptions taken by the Corporation to this laſt Decree of the Commiſſioners, and the ſame comming on before the late Lord *Chancellor Cowper* in *November*, 1709. his Lordſhip was pleaſed to Decree that the Corporation ought to be charged with certain Rents, called *Hodges*-Rents in ſuch Inquiſition, or Decree mentioned from *Michealmas*, 1646. incluſive, of 3 *l.* 13 *s.* 4 *d. per Annum.* deducting thereout the Yearly Sum of 1 *l.* 6 *s.* 8 *d.* which the Exceptants did Annually pay to the Poor of the Corporation, and with the Sum of 29 *l* for a Fine received by the Exceptants for the ſaid *Hodges*-Rents, together with Intereſt for the ſame, from the 1ſt of *September*, 1701. and that as to the ſaid Meadow called *King*'s-Meadow, the ſaid Lord *Chancellor* Decreed that the Grant thereof was Procured by Petitions, preferred to the Crown on the behalf of the Poor, and that the ſame was a Charity for the Poor, and Decreed that the Corporation ſhould Account for the Rents and Profits of the ſaid Meadow called *King*'s-Mead, from *Michealmas*, 1646. Incluſive and for the avoiding of the Delay and Charge of Examining into the Value of the ſaid Meadow, it ſhould be Accounted for, at 14 *l per Annum*, and that upon the ſaid Account, the Corporation ſhould be allowed the 100 *l.* paid by them for the Purchaſe of the ſaid Meadow, together with the Intereſt thereof, and ſhould likewiſe be allowed the ſaid reſerved Fee Farm Rent of 4 *l.* 14 *s.* 4 *d.* and likewiſe what the Corporation paid for Taxes. And in the taking of the ſaid Account, the Maſter to whom the ſame was referred, was to make a reſt from Year to Year, and when on the ſaid Account, it ſhould appear the ſaid 100 *l.* and Intereſt was ſatisfied from thenceforth, the Maſter was to allow the Corporation 40 *s.* Yearly, as paid to the Poor for Graſs-Money, and when it ſhould appear upon the ſaid Account that there was due to the Poor according to that manner of Accounting the Sum of 100 *l.* the ſame was to carry Intereſt at 5 *l. per Cent.* for the Benefit of the ſaid Poor, and in like manner for every 100 *l.* as ſhould be ſo found due to the Poor.

10 *July*, 1710. The Maſter by his Report amongſt other Things, Certified, That the ſaid 100 *l.* and Intereſt was ſatisfied at *Michaelmas*, 1661. and from that time he allowed to the Corporation the Sum of 40 *s.* Annually as paid to the Poor for Graſs-Money: But the Maſter inſtead of carrying on that Account in reſpect of the ſaid Mead ſeperate and diſtinct, as its apprehended according to the late Lord *Chancellor*'s Decree, (he ought to have done) has interwoven and blended the ſame, together with the ſaid Charity called *Hodges Rents*, of 3 *l.* 13 *s.* 4 *s. per Annum.* and with the ſaid Sum of 20 *l.* and Intereſt as received by the Corporation as a Fine on the Firſt of *September*, 1701. and by his ſaid Report, he has Charged the ſaid Corporation as Debtor to the Poor in the Sum of 898 *l.* 15 *s.* 3 *d.* which Report was afterwards Confirmed.

By which ſaid Decree, and the Report made thereupon, the Appellants humbly inſiſt that they are Aggreived, and Appeal to Your Lordſhips from the ſame (in regard as the Appellants humbly inſiſt) there is no ſufficient Evidence to prove the ſaid *King*'s Mead to be a Charitable Eſtate; It having been granted by the Crown to the Appellants, the Corporation and their Succeſſors, without any Truſt therein mentioned for the Poor, and the Purchaſe-Money thereof was paid by the Corporation, and ever ſince the Grant thereof, which is near 90 Years, this Meadow has been Enjoyed by the ſaid Appellants until the late Decree of the ſaid late Lord *Chancellor* pronounced in 1709. And whereas the ſaid Decree of the late Lord *Chancellor* ſeems chiefly to be founded upon Applications made to the Crown for obtaining the ſaid Grant of the ſaid Meadow, yet the Appellants humbly inſiſt that ſuch Petitions and the Anſwers thereunto related chiefly to the Right of Commoning in the ſaid Mead, and to have a Diſpute ſettled between the Inhabitants in the then Ancient Cottages, and the Inhabitants in the then new or latter Erected Cottages, touching their Right of Commoning in the ſaid Mead.

But if there was ſufficient Evidence to Decree the ſaid Meadow to be a Charity Eſtate, which is no ways admitted by your Petitioners; yet the Appellants are aggreived in not being allowed the Charges of procuring and paſſing the ſaid Grant from the Crown of the Inheritance of the ſaid Meadow, over and above the ſaid 100 *l.* which by the Books made uſe of as Evidence againſt the Appellants Appears to be 50 *l.* Neither are the Appellants allowed any Conſideration either for the Purchaſe-Money paid, or for the Charges of taking in the Aſſignment of the 99 Years Term.

And for that the Allowance Decreed to be made unto the Appellants for the ſaid Graſs-Money, is by the ſaid Decree reſtrained from being allowed to the Appellants until ſuch time as the 100 *l.* and Intereſt was ſatisfied, which as is reported by the ſaid Maſter was not till *Michaelmas*, 1661. Whereas the Appellants humbly inſiſt (in Reaſon and Juſtice) if the Appellants ought at any time to be allowed for the ſaid Graſs-Money, which is admitted they ought, the ſame ought to be allowed them in the ſaid Account, from the time they paid the ſame, which will vary the Account ſeveral Hundred Pounds, and will more then Diſcharge the whole pretended Debt due from the Appellants.

And for that the Appellants are Charged by the ſaid Decree to Account for for the ſaid Meadow at the yearly Rent of 14 *l.* Whereas it is neither proved in the Cauſe, nor in Fact; is it true, that the ſaid Meadow is of that Clear yearly Value, and it is always allowed where the Value of any Thing is Controverted to have the ſame ſettled by Proofs, or if very doubtful by a Tryal: But the ſame was denyed to the Appellants in this Caſe, whereby the Appellants were deprived of that Right which every Suitor as theſe Appellants are adviſed by the Rules and Juſtice of a Court of Equity ought to have to Exonerate themſelves upon the Account of any uncertain Charge.

And for that the ſaid Maſter in his ſaid Report, hath not peruſed the Decree in taking the Account ſeparate of the Rents and Profits of the ſaid *King*'s Mead, and of the ſaid *Hodges* Rents, but has blended the ſame together, whereby the 100 *l.* laid out by the Appellants for the Purchaſe of the Inheritance of the ſaid Meadow, together with the Intereſt thereof, is rendred ſooner ſatisfied then really it was, and the Account thereby greatly varied to the prejudice of the Appellants-

For which Reaſons amongſt many others, the Appellants humbly Appeal from the ſaid Decree and Maſters Report, and humbly pray the ſame may be Rectified.

Tho. Powys.
Edw. Northey.

THE
Appellant's CASE.

The Mayor, Aldermen and Commonality of the Borough of *Hertford*,
APPELLANTS.

The Poor of the ſame Burough.
RESPONDANTS.

To be Heard at the Bar of the Houſe of Lords the 3d. of *June*, 1713.

V. Hertford, Town &c.

THE CASE OF THE CONTRACTORS FOR Making Copper Half-pence and Farthings.

THat Complaint was made in the Year 1693, to the Houſe of Commons, of the great Number of the Counterfeit Tin Half-pence and Farthings; whereupon on the 20th of *April* 1694, the Houſe of Commons, by an Addreſs, Repreſented to His Majeſty, That the Tin Half-pence and Farthings being eaſie to be Counterfeited, were become an Obſtruction to Trade, and a Grievance to the Subject, and therefore beſought His Majeſty, That the Farthings and Half-pence to be made for the future might be of *Engliſh* Mettal, to be Coined in His Majeſty's Mint, and to Order ſuch of the then Tin Farthings and Half pence as were not Counterfeited, to be Exchanged.

To which Addreſs His Majeſty was pleaſed to give an Anſwer, That he would do in this as far as was Conſiſtent with the Publick Good.

That accordingly by Letters Patents dated the 27th of *June* 1694, Their Majeſties Granted to the Contractors the Making of Half-pence and Farthings of *Engliſh* Copper, (as not to be Counterfeited) to be Coined in the Tower of *London* for Seven years from *Midſummer* then paſt, ſo as the Quantity in that time did not exceed 700 Tuns; upon Condition, that the Contractors ſhould Exchange all the Tin Farthings and Half-pence for a like Number in Tale of Copper Farthings and Half-pence, not exceeding 200 *l.* a Week during the ſaid Term, and hereupon the Contractors did proceed on the ſaid Patent.

That on the 13th of *January* 1695, when the Contractors had Coined and Iſſued about 170 Tuns of Copper Half-pence and Farthings, Complaint was made to the Houſe of Commons of the Scarcity of Half-pence and Farthings for ſome time then paſt, and at that time, and that the Patentees did make the ſame of Baſe Copper, and refuſed to deliver out any but for Mill'd and Broad Unclipp'd Money, and at Ten or Fifteen Pounds *per Cent.* and refuſed to Exchange Tin Farthings; wherepon the Houſe of Commons did Direct,

That a Committee ſhou d be appointed to Conſider the Matter of the ſaid Complaint, and of the ſaid Patent. and to Examine and Report the ſame, with their Opinion thereupon to the Houſe, and a Committee was accordingly appointed.

That the Makers of the *Engliſh* Copper taking Advantage of this Complaint, did then raiſe the Copper from 100 *l.* to 120 *l per* Tun, and the Contractors to Juſtifie themſelves againſt this Complaint, were thereupon forced to Agree for 70 Tuns at 120 *l. per* Tun, which was to their prejudice 1440 *l.*

That the Contractors were before the Committee of the Houſe of Commons on this Complaint, from the ſaid 13th of *January*, 1695, to the 6th of *April*, 1696. and then the Reſolutions of the ſaid Committee were Agreed unto by the Houſe, and were as follows, *viz.*

That (upon Examination of the Matter of the ſaid Complaint) the Patentees have made the ſaid Farthings and Half-pence of good Copper, according to the Direction of the Patent.

That the ſaid Patentees have exchanged and delivered out Copper Half-pence and Farthings for Gold and Current Silver Money, at the common Value, without any further Recompence.

That the ſaid Patentees have Exchanged 200 *l.* a Week of Tin Farthings and Half-pence, for 200 *l.* of the like Value in Copper Half-pence and Farthings, purſuant to their Patent.

That the Contractors have Coined 509 Tuns of Copper Half-pence and Farthings, and have exchanged Tin Farthings and Half pence, in tale, amounting to 38400 *l.* whereby they have loſt, over and above all their Profit in the Copper Half pence and Farthings, 6280 *l.* (200 *l.* in tale, in Tin Farthings making only 60 *l.* worth of Tin Mettal.)

That in prohibiting the Coinage laſt Year, the Contractors were further Damnified, by keeping their Servants and Office, and a great Stock to carry on the Work, about 700 *l* and have nothing to make them Recompence for all the aforeſaid Loſs, and Trouble in the Management of this Affair (which has been very great) but the Profit ariſing by the remaining Coinage, being 191 Tuns, amounting in tale to 38000 *l.* which Sum is not ſufficient to ſupply the Want of the Kingdom, wherein tho' ſome Places have Farthings convenient, yet other Places have few or none at all.

That there is a Bill brought up to the Lords from the Commons to ſtop the Contractors Coinage for another Year, which in effect is to ſtop them for ever, becauſe they ſha l then have but One Year to Coin the remaining Quantity, which is too ſhort time for that Purpoſe; and the Contractors could neither obtain Satisfaction there for their ſaid Loſſes, nor Liberty to perform their ſaid Contract.

The Caſe of Thomas Earl of Pembroke.

EARL *WILLIAM* being Brother of the half Blood to the late Earl *Philip*, and the now Earl *Thomas*, and ſeiſed in fee of ſeveral Mannors and Lands, to the intent his Eſtate ſhould go with the Honour, and not be ſevered from it by diſcent to his right Heir, and looking upon the late Earl *Philip* to be an ill Husband, gave expreſs direction to the perſon whom he intruſted to draw his Will, to make his ſaid Brother but Tenant for Life, with Remainders to his Iſſue Male, ſo as his ſaid Brother ſhould have no power to alter the Eſtate, with Remainder to his Brother now Earl *Thomas*. AND when he publiſhed his Will, he underſtood his Brother *Philip* would THEREBY be but Tenant for Life: And it was ſo Declared by the perſon who drew it, and ſo underſtood by ſeveral Perſons then preſent: But by the unskilful and looſe penning of the Will in Conſtruction of Law, Earl *Philip* was THEREBY made Tenant in Tail, contrary to the expreſs Will and Direction of Earl *William*, ſubject nevertheleſs to the payment of Earl *William*'s Debts, which was not diſcovered till after Earl *William*'s Death.

EARL *PHILIP* becoming thus ſeiſed of his Brothers Eſtate, and likewiſe ſeiſed of ſeveral Mannors, whereof the Reverſion was in the Crown, by Grant from the Crown, in Order to pay the Debts of Earl *William*, and to preſerve Earl *William*'s Eſtate to go with the Honor, did apply himſelf to his late Majeſty, to have the Reverſion of the Mannor and Park of *Ramsbury*, in *Com. Wilts*, granted to him, (being the leaſt profitable part of the Eſtate) out of the Crown, in order to make Sale thereof for payment of his Brother's Debts; And to Induce his Majeſty to grant him the Reverſion, did promiſe to Settle as much of the Lands Deviſed to him by Earl *William*'s Will, in Recompence thereof to go along with the Honor.

AFTER the Sale of *Ramsbury*, and part of the Purchaſe Money applied towards the payment of Earl *William*'s Debts, and the reſidue diſpoſed of by Earl *Philip*, Earl *Philip* ſuffered Recoveries of ſeveral parts of the Eſtate, whereof he had a power by the miſpenning of Earl *William*'s Will and thereby became Tenant in Fee-Simple.

TO inable Earl *Philip* to ſuffer ſuch Recoveries, the Executors of Earl *William* in breach of the Truſt repoſed in them, conveyed thoſe Lands to Earl *Philip*, before the Debts of Earl *William* were paid; Whereas by the Will they were not to ſettle the Eſtate upon Earl *Philip*, and after upon Earl *Thomas*, till after the Debts paid.

☞ EARL *PHILIP* being thus ſeiſed in Fee, did frequenly in his Life-time declare his firm Reſolution of ſettling his Eſtate to go with the Honor, according to the intention of his Brother Earl *William*, and his own promiſe to his Majeſty: And that his Daughter ſhould have only 10000 *l.* which was her Mothers Portion, but not his Lands,

AND in purſuance of ſuch his conſtant Reſolutions about Four days before his Death, did order one of his Officers to ſend for his Council to make his Settlement or Will to that purpoſe, then alſo uſing ſome Expreſſions that his Daughter ſhould have no part of his Eſtate, only her Mothers Portion: But the perſon employed to ſend for his Council not looking upon the Earl to be near his Death, neglected to ſend for his Council: And ſo Earl *Philip* was ſuddenly ſurpriſed with Death, without any Will or Settlement according to his Intentions. WHERBBY ſeveral parts of the Eſtate did deſcend upon his Daughter an Infant, and will be ſevered from the Honor, contrary to the true intent and meaning of Earl *William*, and Earl *Philip*.

EARL *THOMAS* ſince the late Earls Death, hath paid ſome Hundreds of pounds of Earl *William*'s Debts. The Welch Eſtate ſtands charged with 8000 *l.* to the Siſters of Earl *Thomas*, and 500 *l. per annum* to Earl *Thomas* for Life, and 1500*l. per annum* to the Counteſs Dowager of *Pembroke*, Relict of Earl *Philip*, which amount Annually to near the whole profits of that Eſtate. AND ſeveral of the Lands lying in *Wiltſhire* Deſcended to the Daughter, have ſo long been intermixed with the Crown Lands enjoyed together by the Family, that it is hardly poſſible to diſtinguiſh the one from the other, beſides many Diſputes have ariſen, and more are likely to ariſe about the extent of the Recoveries ſuffered by Earl *Philip*, what Lands are comprehended within them.

THE Debts of Earl *Philip* are many Thouſand pounds, a great part of them Book Debts to Tradeſmen, in the payment whereof the Honor of the Family will be greatly concerned: And yet cannot be paid without the Aid of an Act of Parliament.

THESE things alledged by the Earl, will be made out by many Witneſſes.

WHICH when done, he conceives it will appear moſt agreeabe to Juſtice and Equity, that the Eſtate of ſo antient a Family be Settled by Act of Parliament to go with the Honor, according to the direction of the Earl *William*, and the conſtant reſolutions of Earl *Philip*, and his promiſe to his late Majeſty, charged with the Jointure of the Counteſs Dowager, and Ten Thouſand pounds Portion to the Lady *Charlot*, Daughter of Earl *Philip*, to be paid at her Age of Sixteen, or Day of Marriage, and 400 *l. per annum* for her Maintenance in the mean time, which will be more than the Eſtate deſcended to her can at preſent anſwer for her Maintenance: And a competent proviſion made for the payment of ſuch Debts of Earl *Philip*, as his perſonal Eſtate will not reach to pay.

The CASE of the CONTRACTORS

For Making Copper Half-pence and Farthings.

To ſhew the Countreys conſent for the drayning of *Lindeſey* Level.

1. THe Commiſſion of Sewers was before all other Courts of Record, and a Decree of Sewers for non-payment of Taxes, Enrolled in *Chancery* with the Royal Aſſent, under the Great Seal is only controlable in Parliament, and all our Decrees are ſo Enrolled.

2. By many antient Records, (now in Mr. *Goldesbrough*'s Cuſtody) 'tis evident that theſe Fenns called *Lindeſey Level* now in queſtion, were hurtfully ſurrounded with Waters, ſome hundred years ſince, and have been ſeveral times endeavoured to be drayned by ſeveral Perſons of great quality, but could not; which ſhews the Countreys deſire and conſent to the drayning in thoſe dayes.

3. By the Countreys proffer to Sir *Anthony Thomas*, and Sir *William Alife* to drayn the ſaid Fenns, 'tis evident theſe Lands did need drayning, and that the Countrey did Conſent, and deſire to have them drayned.

4. By *Edmund Jackſon* Mayor of *Boſton*, Sir *Anthony Irby*, *John Brown*, *Robert Callis* Serjeant at Law, *Herbert Pelham*, *Richard Skipper*, *Leonard Cammack*, *George Thorold*, *Richard Barfoot*, and the reſt of the Commiſſioners, certifying the late King of the need of drayning, and their Compliance and Aſſiſtance therein, the Countreys conſent for drayning is again declared.

5. By the Countreys publick and joyfull reception of the Earl of *Lindeſey* to be drayner, when recommended by the late King, their conſent is further declared.

6. By the Commiſſioners viewing all the drowned Lands in Boats, from one end of the *Level* to the other, and then laying ſeveral Taxes for three years time (which were not paid) and thereby declared their conſent, and deſire to have the drayning proceed, becauſe if the Taxes had been pay'd, the Earl could not be Undertaker.

7. By Sir *Charles Huſeyes* Bill put into this Houſe, and promoted by all the Members that ſerve for *Lincolnſhire*, 'tis evident they did conſent, and deſire to be drayned.

8. The Commiſſioners being 32 perſons of eminent quality, moſt of them, and many Lords and owners of the ſaid Fenns, did after three years treating in preſence of many thouſand Commoners at a publick Seſſions of Sewers, proffer and contract with the Earl of *Lindeſey* for 24000 Acres as a compenſation, for his charge and hazard of drayning the ſaid *Level*, and no Commiſſioners diſſenting, and this done in the face of many thouſand Commoners in open Court no man diſſenting, but with loud Acclamations of joy attended the Earl to his lodging, which did ſufficiently declare their free conſents.

9. Note that the Commiſſioners of Sewers were then 217 perſons whereof were

Earles	13.
Barrons	5.
Knights	43.
Eſquires	93.
Gent.	63.

in all 217.

10. Of which number the Commiſſioners that acted in viewing and taxing the Lands and making the contract, and all the other Decrees, were 78 Commiſſioners, moſt of them Lords and owners, whereas by the Law of Sewers, Six Comiſſioners are ſufficient; publick notice being given for every Seſſion, which was ſtrictly obſerved, by which thoſe Commiſſioners who appeared not, are included as conſenting; and what ever is ſo decreed by the Bench in the face of the Country ſo publickly Summoned, is taken for the conſent of all men any way Intereſſed, unleſs ſome do oppoſe, which no man did during the Earls three years treaty, nor at his Contract making, nor in two years more, before he began to work, nor in all the time of making the Works, in Building, and Planting, being about nine years time ſpent.

Note alſo that the Countrey people did make all the Works, built all the drayners houſes, Planted and plowed their Lands, brought in their Harveſts two years, and received all their Moneys, and no one word of diſlike to the drayning, but all incouragement to the Work, which ſhewed a full conſent; though the Commiſſioners have full power to make ſuch Contracts, and to order ſuch publick Works, for an univerſal good to the Nation, if any froward perverſe men ſhould oppoſe; all this well conſidered, 'tis not poſſible to have a more unanimous conſent from a whole Countrey, nor is it at all required, or any where practiſed that every individual man ſhould conſent: If this Work had been diſliked in thoſe days, why did not theſe mens fathers (who call themſelves Lords of the Fenns) oppoſe the Earl in the leaſt word, which would have deterred him and his Participants from laying out ſuch vaſt Sums of Money; But now thirty years after an expence of 80 thouſand pounds, invited to it by ſuch an univerſal deſire, and ſo great aplauſe, 'tis ſtrange that theſe unjuſt Clamours, and more unjuſt demands ſhould now ariſe.

Note that the Commiſſioners do covenant in their Contract with the Earl to become Sutors to the next parliament to confirm it by an Act, by which it is evident there was neither fraud nor compulſion on the Earls part, and ſo full and chearfull conſent from the Countrey, as cannot be more expected; all which has been proved at ſeveral times at the Houſe Barr, by the Records, and divers Witneſſes of good quality, and Commoners of that Countrey; And thus we conceive that we have ſhewed a general unanimous conſent of all the Commiſſioners, and alſo of all the Countrey, in thoſe days, when thoſe who now oppoſe were very young.

The 16. of *March*,
1670.

William Killigrew.

Henry Heron.

By the King,

A PROCLAMATION,

For Observation of the Thirtieth Day of *January*, as a Day of Fast and Humiliation, according to the late Act of Parliament for that purpose.

CHARLES R.

WHereas in Our late Parliament held at Westminster, in the Twelfth year of Our Reign, The Lords and Commons therein Assembled did shew and declare unto Us, That the execrable Murther of Our Royal Father CHARLES the First, of ever Blessed and Glorious Memory, hath been committed by a Party of wretched Men, desperately wicked and hardened in their Impiety, who having first plotted and contrived the ruine and destruction of this Excellent Monarchy, and with it the true Reformed Protestant Religion, which had been so long Protected by it, and Flourished under it, found it necessary in order to the carrying on of their pernicious and traiterous Designs, to throw down all the Bulwarks and Fences of Law, and to subvert the very being and constitution of Parliament, That so they might at last make their way open for any further Attempts upon His Person: And for the more easie effecting thereof, they did then first seduce some part of the then Army into a compliance, and then kept the rest in subjection to them, partly for hope of Preferment, and chiefly for fear of losing their Imployments and Arrears, until by these and other more odious Arts and Devices they had fully strengthned themselves both in Power and Faction; Which being done, they did Declare against all manner of Treaty with the Person of Our Royal Father, even then when a Treaty by Advice of both Houses of Parliament was in being, and did Remonstrate against the Houses of Parliament for such Proceedings, and seiz'd upon the Person of Our Royal Father, while the Commissioners were returned to the Houses of Parliament with His Answer; And when His Concessions had been Voted a ground for Peace, seize upon the House of Commons, Seclude and Imprison some Members, force out others; And there being left but a small remnant of their own creatures (not a tenth part of the whole) did seek to shelter themselves by this weak pretence, under the name and authority of a Parliament, and in that name laboured to prosecute what was yet behind, and unfinished of their long intended Treason and Conspiracy: To that purpose they prepared an Ordinance for erecting a prodigious and unheard of Tribunal, which they called, An High Court of Justice, for Trial of His Majesty, Our most Dear Father; And having easily procured it to pass their House of Commons, as it then stood moulded, ventured to send it up from thence to the Peers, then sitting, who totally rejected it; Whereupon their rage and fury increasing, they presumed to pass it alone as an Act of the Commons, and in the name of the Commons of England; and having gained the pretence of a Law made by the power of their own making, pursued it with all possible force and cruelty, until at last upon the Thirtieth day of January, One thousand six hundred fourty and eight, His Sacred Majesty, Our late Dear Father, was brought unto a Scaffold, and there publickly murthered before the Gates of His own Royal Palace. And because by this horrid Action, the Protestant Religion hath received the greatest wound and reproach, and the people of England, the most insupportable shame and infamy that it is possible for the Enemies of God and the King to bring upon them, whilst the Fanatick rage of a few miscreants (who were as far from being true Protestants, as they were from being true Subjects) stands imputed by Our Adversaries to the whole Nation. They the said Lords and Commons in Parliament Assembled, did therefore renounce, abominate, and protest against that Impious Fact, the execrable Murther and unparallel'd Treason committed against the Sacred Person and Life of Our most Royal Father, and did beseech Us that it might be Declared; And it is by the said Act Declared, That by the undoubted Fundamental Laws of this Kingdom, neither the Peers of the Realm, nor the Commons, nor both together in Parliament, nor the People collectively or representatively, nor any other persons whatsoever, ever had, hath, or ought to have any coercive power over the Persons of the Kings of this Realm. And for the better vindication of themselves to posterity, and as a lasting Monument of their otherwise inexpressible detestation and abhorrency of that villainous and abominable Fact, They did further beseech Us that it might be Enacted; And it is thereby Enacted, That every Thirtieth day of January (unless it should fall out to be on the Lords Day, and then the next day following) should be for ever thereafter set apart to be kept and observed in all Our Churches and Chapels of our Kingdoms of England and Ireland, Dominion of Wales, and Town of Berwick upon Tweed, and the Isles of Jersey and Guernsey, and all other Our Dominions, as an Anniversary Day of Fasting and Humiliation, to implore the Mercy of God; That neither the guilt of that Sacred and Innocent Blood, nor those other sins by which God was provoked to deliver up both them and their King into the hands of cruel and unreasonable men, might at any time after be visited upon them or their Posterity, as by the said Act amongst other things at large appeareth. We being very sensible of the Pious and good intentions of Our said Dutiful and Loyal Subjects; and holding Our Self obliged to do Our utmost endeavour that a work so much tending to the honour and acknowledgment of the infinite Mercies of Our good and gracious God, who hath been pleased not only to restore Us to the Throne of Our Ancestors, from which We were long detained, and Our said good Subjects to their Rights and Liberties, and the Nation to Peace, after a bloody and unnatural War, and tending to a due acknowledgment of the sins which provoked the Justice of God so far as justly to deliver up these Nations to the many and deplorable Calamities which proceeded from, and ensued that horrid and bloody murther of Our most Dear Father, Do strictly Command and Enjoyn all Our loving Subjects, of what degree, quality or condition soever, solemnly and humbly to conform themselves, and give obedience to the said Act of Parliament, and to set apart, and observe the Thirtieth day of January this present year, and so from time to time every Thirtieth day of January every year, as a day of Fasting and Humiliation for the purposes in the said Act of Parliament mentioned: And to that end We Command all Archbishops, Bishops, Parsons, Vicars, Ministers, and other Ecclesiastical Persons in their several Charges, according to their several Duties to take care hereof, and to cause this our Proclamation to be yearly read in all Churches and Chapels the Sunday before the said Fast is to be observed. And We strictly Command all persons whatsoever, for the better observation of the said Day, to abstain from all servile Works and Business on that Day, and meekly and orderly to repair to the Publick place for Divine Worship, to beseech God for his Mercy, and to humble themselves in his sight, according to the good intention of the said Act. And We declare, That such persons as shall be faulty herein, shall be esteemed by Us, Contemners and Infringers of Our Laws and Commands, and Prophane persons, who wilfully shut their eyes, both against the Judgments and Mercies of Almighty God.

Given at Our Court at *Whitehall*, the Twenty fifth Day of *January*, in the Twelfth Year of Our Reign, One thousand six hundred and sixty.

GOD SAVE THE KING.

LONDON, Printed by the Assigns of *John Bill* and *Christopher Barker*, Printers to the Kings most Excellent Majesty. 1674.

The CASE of Charles Howard Esq;

APPELLANT.

Humbly offered to the Consideration of the Right Honorable the LORDS SPIRITUAL and TEMPORAL in PARLIAMENT ASSEMBLED.

THAT *Henry* late Earl of *Arundel* intending a Provision for his younger Children, by Deed, made by advice of Sir *Orlando Bridgman*, Sir *Jeoffry Palmer*, and other Eminent Lawyers, Did Grant and Settle the Barony of *Greystock*, *&c.* (of the value of Five hundred pounds *per Annum*) for 200 years, in the Marques of *Dorchester* and other Trustees, **In trust**, That they should permit his second Son *Henry*, and the Heirs Males of his Body, to receive the profits thereof, **until** such time as by the death of his Eldest Son *Thomas*, without Issue Male, in the life time of *Henry*, or after the death of the said *Thomas*, by failure of his Issue Male, the Earldom of *Arundel* should descend to *Henry*; and that upon the Desent of the Earldom of *Arundel* to *Henry*, all the Benefit of the Trust for *Henry* or his Heirs **should cease**, and the Trustees from thenceforth hold it in Trust for *Charles*, during all the residue of the said term of 200 years, as by the Deeds more fully may appear.

By vertue of which Settlement, *Henry* received the Profits of the said Barony, **until**, by the Death of Duke *Thomas* without Issue, the Earldom of *Arundel* descended unto him, about the first of *November* 1677. By which means, the Trust for *Henry* **did cease**; and then *Charles* expected to enjoy his Right, according to the Directions of the Trust aforesaid.

But the said *Henry*, late Duke of *Norfolk*, having secretly gotten a Surrender of the Trust to himself, kept the Possession, **until**, by a tedious and chargeable Prosecution of a Suit depending in the High and Honorable Court of Chancery, wherein *Charles Howard* was Plaintiff against his Grace the late Duke of *Norfolk*, the Right Honorable the late Marques of *Dorchester*, and *Richard Mariot* Defendants.

And whilst the Suit was yet depending, the now Duke of *Norfolk* obtained a Conveyance of the Premisses from his Father, notwithstanding the humble Request of his Uncle *Charles* to the contrary, and immediately became a Party Defendant with his Father, and in his Answer, confessed all his Uncle *Charles* his Right and Title as fully and wholly as *Charles* did set it forth in his Bill, and that *Richard Mariot* delivered up the Trust into his Fathers Hands to the intent the term of 200 years to *Charles* might be merged and extinguished, as more at large appears by his Graces Answer in Chancery upon Record.

The Cause being at Issue, came to be heard before the late Lord Chancellor the Earl of *Nottingham*, on the 17*th.* of *June*, in the 34*th.* year of His late Majesties Reign, whose Lordship, after several days hearing of Councel on both sides, was pleased to declare his Opinion to be: That *Charles* had a good Title to the Barony of *Greystock*, and other the Lands in question, and in the Bill mentioned:

Therefore decreed the Defendants to account to him for the Profits thereof, by them or any of them received after the Death of *Thomas* late Duke of *Norfolk*; or which they might have received without their own wilful Default; and in order thereunto, directed an Account before a Master, and decreed the Defendants to pay what should be reported due; and that they should forthwith deliver Possession to *Charles* of all the said Premisses: **To hold**, for the Residue of the Term of 200 years (mentioned therein) then to come and unexpired, and to convey the same as the Master should direct.

Which Decree was afterwards signed and enrolled, and *Charles* actually vested in the Possession of the said Mannors and Premisses; the which he well hoped he should have enjoyed, being his undoubted Right.

But the Defendants, the late Duke of *Norfolk*, the Lord *Mowbray*, now Duke of *Norfolk*, and *Richard Mariot*, before they had performed the said Decree, by paying the Money by them received out of the said Premisses, exhibited a Bill of Review, for reversing the said Decree; to which *Charles* put in a Plea and Demurrer, the which coming to be argued on the 15*th.* of *May*, in the 35*th.* year of the Reign of the late King *Charles* the Second of glorious Memory, before the Right Honorable the Lord Keeper of the Great Seal of *England*.

His Lordship, after hearing Councel on both sides, not only over-ruled the said Plea and Demurrer, but reversed the Decree aforesaid, and ordered a Writ or Writs of Restitution to be directed to the Sheriffs of *Cumberland* and *Westmerland* to put the said Plaintiffs in the Bill of Review in Possession, which accordingly was done.

All which Doings and Proceedings, *Charles* is advised, are contrary to Equity and Justice, and tend inevitably to his Ruine, unless relieved by the Justice of the most Honorable House of Lords, the **Supream Court** of Judicature within this Kingdom.

The Heads of an Act desired to Incorporate the Undertakers for draining DEEPING-FENNS.

WHereas by an Act of Parliament made in the 16 and 17th years of His late Majesties Reign, of ever blessed Memory, Intituled, An Act for draining of *Deeping*-Fenns, and other Fenns therein mentioned, *Edward* Earl of *Manchester*, and others therein Named, are declared Undertakers for draining the said Fenns; And whereas by one other Act made in the Two and twentieth year of the Reign of his said late Majesty, Intituled, An Act for settling the draining of the said Fenns, by which, the Lands given them by the first mentioned Act, are settled and vested in them, and other Powers and Priviledges thereby granted them.

And whereas *Robert* Earl of *Ailsbury*, *John* Lord *Bellasyse*, *John* Lord *Berkley* of *Stratton*,&c.are become the Assignees of the said Undertakers,who for the more easie and ready way for raising of Moneys on emergent occasions, and for the better Government and Regulating the works, for preserving and maintaining the said Fenns, desire to be made a Corporation, and to have a Common Seal, the said Earl of *Ailsbury* to be the first Governour, during his Life; and every owner of 250 Acres to be a Conservator,and Member of the said Corporation,with Liberty for any two of the said Conservators to administer an Oath to the Governour, that he shall well and truly execute the said Office, and that the Governour, or any two of the said Conservators, may administer the like Oath to every Conservator, and other their Officers, before they shall act in their Respective Offices; and after the Death of the said Earl, the major part of the Conservators, to chuse a new Governour yearly, at their publick meeting at *Spalding*.

And all the Works, Powers, Priviledges and Authorities given to the said Undertakers by the said Acts, be settled and confirmed in the said Corporation, and the 10036 Acres to remain and be in the Assignees of the said Trustees.

Provided that the common Seal shallnot be fixed for the raising any Money, but 14 days notice shall be first given to every Conservator, of the time and place of a meeting, appointed by the Governour, for the effecting thereof.

And that so much of the Lands shall hereafter be sold for the Arrears of Taxes and Penalties only, as shall be sufficient for raising the same; and that publick notice thereof be first given, by affixing a writing (setting forth the particulars of such Lands, and the Owners) at the Shire-house at *Spalding*, at least two Market days before such Sale.

And that no Tenant for years shall be removed by such Sale, but shall enjoy the remainder of his term, paying his Rent to the Purchaser.

And that all power given to the Commissioners of Sewers by the said Acts, shall be continued against the said Corporation in like manner as before against the said Undertakers.

The Case of the Undertakers for the Draining of Deeping-Fenns, *as to a Pretended Adjudication.*

THE First Act of Parliament was made in 1664. at the earneſt deſire of the Country, which then was in manifeſt danger of being utterly loſt, as apears by the Preamble to the ſaid Act. But by reaſon of ſome Diſcouragements in the ſaid Act, the Work was not proceeded in till the Paſſing the New Act in 1668. and then the Work was vigorouſly proceeded on; and in the Year 1671. the ſaid Fenn was laid dry, and depaſturable for Cattel at all times of the Year, and Crops of Corn ſown and reaped in it.

All the Country Banks which were charged on the Undertakers by the ſaid Act, were all ſubſtantially repaired, much better than when at the Countries keeping; and ſeveral other Advantages and Improvements made to the Country, at the Undertakers Charge.

All which notwithſtanding, the Commiſſioners of Sewers proved very unkind, and on the leaſt occaſion would award very great Damages the one to the other: Some, when the Undertakers were but in part guilty; others, where they were no way guilty, or concerned at all. And all this, without any Summons, or Hearing of Parties, or any Teſtimony upon Oath: And in ſome other Caſes, where the Evidence was faireſt for the Undertakers.

And further, They have ordered all the Works belonging to the ſaid Undertakers to be preſented by the Jury every Seſſions, and have ſet ſuch immoderate Fines thereon, as amount to above 11000 *l.*

And at laſt finding the Works in a good Condition, the Dreins new made, the Banks, Bridges, Sluices, and Tunnels all well repaired, and ſo the future Charge not like to be great; The ſaid Undertakers having then expended near 20000 *l.* in the ſaid Work, they contrived an Adjudication to Out and Eject the Undertakers, and then to take the Poſſeſſion into their own Hands.

For the better effecting whereof, one of the Commiſſioners writ to a Commiſſioner at *Spaulding*, as alſo to the Clerk of the Sewers, to adviſe the Impannelling a ſure Jury, though but of Twelve Men (if ſure); as alſo to engage ſeveral ſelect Commiſſioners to be preſent: The Jury was to prepare a Verdict againſt the Meeting of the Commiſſioners, which was to be the Thirteenth of *September*, 1677.

And as a Preparatory to that Day, ſome of the Commiſſioners agreed a Meeting at *Crowland* on the Twelfth of *September*, to make a View of the Fenns, in order to an Adjudication againſt the Undertakers; who accordingly met, and from *Crowland* by Boat paſſed by *Good-fellows Dyke* to *Black Dyke Roſt*, and from thence to *Horſe-gate Roſt* to *Spaulding*, by which they could not view any part of *Deeping* Fenns, which was at that time full of Cattel, nor one eighth part of the whole Fenns, and that part alſo the loweſt and pannieſt Ground in all the Fenn, of which notwithſtanding a great part was then dry.

The Commiſſioners accordingly held their Seſſions on the Thirteenth of *September*, 1677. and the Act of Parliament was given the Jury in Charge, as was before contrived; and after ſome Debate, it was objected, That ſeveral Honourable Perſons, both of the Houſe of Peers and Houſe of Commons, were concerned, who ought not to be ejected out of their Eſtates during a Seſſion of Parliament, without being heard. But that Plea would not be accepted by the Court: And the Court adjourned from the Town-Hall to the *White-Hart* in *Spaulding*.

And what Decrees or Adjudications were there made, as all the reſt of the Proceedings at that Court, were kept in ſecret from the Undertakers, who were never Legally ſummoned, and afterwards coming and demanding Copies from the Clerk of the Sewers, could not procure them, all the Papers being kept from him by the Commiſſioners, leſt they ſhould come to the knowledge of the ſaid Undertakers; intending to ſurpriſe them, by returning the ſame into the Chancery, to be Filed upon Record, before they could make any Defence to prevent the ſame; which though never ſo Illegal and Unjuſt, if once Filed, would have rendred the ſaid Undertakers Remedileſs either in Law or Equity, otherwiſe than by Appeal in Parliament.

But the ſaid Adjudications having been ſince returned up, the Undertakers did procure Copies thereof, and by Petition to the Lord Chancellor did prevent the Filing thereof, till the ſaid Petitioners ſhould be heard: The Subſtance of which Adjudications are as follow.

That the Commiſſioners therein named, by their View, do find, adjudge, and decree. That the ſaid Fenns, and every of them, are hurtfully ſurrounded with Water; And that the ſaid Fenns or Waſtes have, or moſt part of the ſame have, lain drowned and overflowed with Water, from the Second day of *March*, 1664. to the day of the date of the ſaid Decree, notwithſtanding the Works of the ſaid Truſtees, and in their Default. The Jury alſo gave in their Verdict, That the Fenns called *Deeping-Fenns* in the ſaid Act of Parliament, were never drayned by *William* Earl of *Devonſhire*, and Truſtees for Draining the ſaid Fenns; but that the ſaid Fenns lay then hurtfully ſurrounded, as the ſaid Fenns have been hurtfully ſurrounded ever ſince the Second day of *March*, 1664. notwithſtanding the Works of the ſaid Undertakers, and in default of the ſaid Truſtees; and that the ſaid Fenns were as dry before the ſaid Undertaking, as they have been at any time ſince.

After the Court making a recital of the Adjudications of the Commiſſioners that viewed, ſay, that the Fenns are hurtfully ſurrounded, and were not dreyned by the Truſtees, nor Undertakers within the firſt Seven years mentioned in the ſaid Act, which is quite different from the Return made by the Viewers themſelves, and then it was declared by the Court, that the Truſtees mentioned in the ſaid Act, ſtand ſeized for ſuch uſes, intents, and purpoſes, as in and by the ſaid Act is limited for the benefit of the Countrey.

On all which it is to be obſerved.

I. That the whole buſineſs was a Contrivance of ſome of the Commiſſioners to out the Undertakers, and put themſelves into poſſeſſion. For that the Undertakers had expended near 8000 *l.* on the Works of Draining the ſaid Fenn, in the precedent Five Years before the intended Adjudication, as their Regiſter-Books will make appear; whereby 'tis evident, they did not wilfully neglect the ſame.

II. That the Viewers by one Afternoons viewing the eighth part of the Fenn, without any other Teſtimony, or Proof, could adjudge the Fenn to have continued drowned for above twelve Years before, although not long before, ſome of the ſame Commiſſioners did Award damages againſt the ſaid Undertakers of 150 *l.* for that there wanted Water in the River.

III. The Jury without View, or Inquiſition, or any other Evidence, or Proof alſo preſented upon their Oaths, that the ſaid Fenns had continued drowned for above twelve Years, according as the Viewers had adjudged, notwithſtanding the contrary was well known to moſt, if not to all of them

IV. And as if the ejecting and outing the ſaid Undertakers had not been ſufficient, they have returned Eſtreats to the value of above 11000 *l.* againſt the ſaid Undertakers.

V. And ſince all this, they have received Petitions againſt the ſaid Undertakers, and have Summoned them as Undertakers to appear, and alſo the Jury have preſented the Undertakers from time to time, and ſet Fines upon them for the defect of ſeveral Bridges, *&c.* under their care, notwithſtanding that by the ſaid Adjudication they had ejected them before, and ſince the time of this Adjudication, being eight Years, the Undertakers have continued in quiet poſſeſſion, and have laid out above 14000 *l.*

Note, The Lords of all the Mannors whoſe Tenants have Common in the Fenn, are all conſenting to the Undertakers, who are oppoſed by none but the Commiſſioners of Sewers, who take upon them the Name of the Country; and, we are credibly informed, have obtained ſeveral Hands to a Writing they deſign to offer in oppoſition to the Bill, and for Filing the Adjudication, by falſely perſuading them, the Undertakers deſign to take away all their Commons, and poſſeſſing them, they may enjoy the whole Fenn again in Common, if the Undertakers were outed; when in truth the Commiſſioners by their own Adjudication (if it may ſtand) are to have and diſpoſe of the Undertakers Lands.

Note, It may reaſonably be ſuppoſed, that if by the Adjudication of the Commiſſioners of Sewers, the Lands were to have gone to any others than themſelves, the Adjudication had never been made upon ſo ſlender a view, and without any proof, and ſo Privately, that the Undertakers were not to have Legal Summons, nor ſo much as Copies of the Proceedings.

From all which the Undertakers do humbly hope, and pray, that your Lordſhips will put them under a more Indifferent Judicature; in order to which they humbly propoſe, That out of the Perſons appointed to ſet out the Boundaries of the Fenns; three may be choſen by the Undertakers, and three by the Country or Commiſſioners of Sewers, and one (to make the number odd) by the Lord Lieutenant of the County of *Lincoln* for the time being, which Seven, or any five of them may aſſeſs Damages as the Caſe may require. Or if this Propoſal doth not ſeem reaſonable, That your Lordſhips will pleaſe to put the Undertakers under ſuch other Judicature as your Lordſhips ſhall think fit.

THE CASE OF

THOMAS ROWNEY Gent. Executor of EDWARD TWYFORD Gent.

In truſt for the ſaid *TWYFORD*'s Children.

THE ſaid *Edward Twyford* about *Michaelmas* Term 1669, being aged; infirm and indebted to ſeveral perſons, Agrees to ſell the Mannor of *North-Moor*, with the Appurtenances, in the County of *Oxford*, to *Edmond Warcupp* Eſq; (now Sir *Edmond Warcupp* Knight,) for payment of his Debts, and raiſing Portions for his Children. And Articles of Agreement were made between them therein; At which time there were Suites depending in *Twyford*'s Name, touching the Encloſing of two large Commons part of the ſaid Mannor, and which ſince the Purchaſe, are incloſed accordingly.

Sir *Edmond Warcupp* at the firſt Diſcourſe, much preſt to have a Particular, but Mr. *Twyford* being then in *London*, Declared he was not able to make one, but however, at Sir *Edmond Warcupp*'s Importunity, Did as well as he could, make a Particular, and delivered it to Sir *Edmond Warcupp*, By which the Premiſſes at twenty years Purchaſe (which is the uſual Rate in that Country) came to 9600 *l.* But Sir *Edmond Warcupp* refuſing to purchaſe at thoſe Terms, the Particular was wholly laid aſide, and the Parties agreed by the Lump; and Sir *Edmond Warcupp* was onely to give 6500 *l.* for the Purchaſe; ſo much having been before offered for it by others.

Nevertheleſs, when the Articles came to be Sealed, Sir *Edmond Warcupp* had Annexed the ſaid Particular thereto, and had alſo incerted a Covenant into the Articles, that *Twyford* ſhould make good the ſaid Particular, both as to the quantity and quality. But *Twyford* poſitively refuſed to Seal the Articles, until Sir *Edmond Warcupp* promiſed that no other uſe ſhould be made of the ſaid Particular, other than to find out the purchaſed Lands.

The Articles being thus Sealed, the Conveyances were for ſome time reſpited at Sir *Edmond Warcupp*'s deſire, leſt the Suits then depending, touching the ſaid Incloſures ſhould abate.

But the Conveyances being afterwards Sealed, and the Purchaſe Money not paid, *Twyford* in 1673, Exhibited his Bill in Chancery againſt Sir *Edmond Warcupp* to have his Purchaſe Money paid, To which the ſaid Sir *Edmond Warcupp* put in a very long Anſwer, and alſo for vexation, Exhibited a long croſs Bill againſt the ſaid *Twyford*, to have an Allowance for pretended Defects in the Particular, and for the Charges of Encloſing the ſaid Commons which were agreed to be done at his own Charge: And ſeveral Witneſſes were Examined in the Caſe to *Twyford*'s great Charge. Sir *Edmond Warcupp* (who was a priviledged perſon in Chancery) endeavouring by the ſaid long Bill, Anſwer, and Depoſitions, to diſable the ſaid *Twyford* from proſecuting his ſaid Suit; who had no other Eſtate to pay his Debts, or to maintain, or provide for himſelf and ſeven Children than what was in Sir *Edmond Warcupp*'s hands.

That the ſaid *Twyford* at laſt by the Aſſiſtance of Friends brought the ſaid Cauſe to Hearing in *Hillary* Term 1675, and obtained a Decree for the Payment of the Arrear Purchaſe-Money, but before the ſaid Decretal Order was drawn up, the ſaid *Twyford* died, having made the ſaid *Rowney* his Executor in Truſt for his Children.

That Sir *Edmond Warcupp* entred a CAVEAT againſt the Probate of the ſaid Will, and alſo Moved againſt the Inrolling of the ſaid Decree, but the Will being proved, and the Decree Inrolled, he after Exhibits a Bill of Review againſt the ſaid *Rowney* of 120 ſheets of Paper, and aſſigned fifteen Errors, which upon a long Debate by Council were over-ruled about eight years ſince.

That ever ſince the Over-ruling the ſaid Errors, the ſaid *Rowney* hath been labouring to bring Sir *Edmond Warcupp* to an Account before the Maſter, and to that purpoſe hath taken out above 60 Warrants, and ſerved Sir *Edmond Warcupp* therewith, but cannot yet get the Account ſtated.

That Sir *Edmond Warcupp* hath endeavoured to prove Payment of the Purchaſe Money by ſeveral miſtaken Acquittances, which being diſallowed by the Maſter, Sir *Edmond Warcupp* for further delay hath Appealed from the ſaid Decree to the Houſe of Peers.

That the ſaid *Rowney* never received one penny of the Eſtate of the ſaid *Twyford*, but hath expended above 300 *l.* in the proſecuting of the ſaid Suit on the behalf of the Poor Children.

That there is at leaſt 1500 *l.* of the Purchaſe Money beſides Intereſt ſince Sealing the ſaid Articles, in the hands of the ſaid Sir *Edmond Warcupp*, and the Poor Children of the ſaid *Twyford* want Bread.

Sir *WILLIAM RAWLINSON*, Kt. Searjeant at Law, and Dame *JANE* his Wife, Petitioners, in behalf of themſelves and others;

against

The Right Honourable the Earl of *STAMFORD*, and Counteſs of *STAMFORD*; and Sir *HENRY HOBART*, and Dame *ELIZABETH* his Wife, Reſpondents.

The RESPONDENTS CASE.

The Petitioners oppoſe a Bill brought into the Houſe of Peers for ſetling the Eſtate of Sir JOHN MAYNARD, *late one of the Commiſſioners of the Great-Seal.*

THE ſaid Sir *JOHN MAYNARD*, Knight, deceas'd, left at his death a Will bearing date the 21ſt of *March*, 1689. and his Relict the Lady *Maynard*, now Counteſs of *Suffolk*, and *Maynard Colcheſter*, Eſq;, are nominated Executors thereof.

Maynard Colcheſter hath not yet acted, and the Counteſs of *Suffolk* exhibited the ſaid Will in the Prerogative Court.

The Counteſs of *Stamford*, and the Lady *Hobart*, are the Grand-daughters and Heirs at Law of Sir *John Maynard*; and it were moſt for their Advantage if there were no Will at all.

The Earl of *Stamford* and Sir *Henry Hobart*, in Right of their Wives, controverted the ſaid Will, and brought an Ejectment in the Court of *King's-Bench*, to try the Validity thereof, as to the diſpoſal of the real Eſtate; whereon a Trial was had at the Bar, *Term. Paſc. 4 Willielmi & Mariæ.*

The Will, dated the 28th of *September*, 1676. mentioned in the Petition, was upon the Trial, given in Evidence; but it being proved to have been found in an open Garret among Waſt-papers, and it containing only two Sides or Pages of a Sheet of Paper, and there being no Concluſion to it, and it appearing to the Court that other Leaves had been faſtened to it; the Court and Jury gave no heed to it, and rejected it as a Revoked Will, it being made before the commencement of the Statute againſt Frauds and Perjuries.

The other Will, dated the 9th of *September* 1686. mentioned likewiſe in the Petition, was not given in Evidence at the Trial, for it is written by the ſide of it with the proper Hand-writing of Sir *John Maynard*, to be Revoked.

There is another Will, dated the 6th of *February*, 168 9. Signed by Sir *John Maynard*, and atteſted by Three Witneſſes, which will be a Revocation of his former Will, and will ſtand as a Will, if the Will of 21. *Martii*, 1689. be not good.

The only Diſpute at the Trial was, Whether the Will, dated 21. *Martii*, 1689. was a good Will in Law, as to the diſpoſing of the real Eſtate, according to the Statute of 29 *Car.* II. againſt Frauds and Perjuries, becauſe Sir *John Maynard* did not ſign the Will in the preſence of the Witneſſes; it was proved to be ſigned by him, but the Witneſſes to the Will did not ſee him ſign it; and thereupon a Special Verdict was found, wherein no other Point was made, but that of the Deviſor's not ſigning the Will in the preſence of the Witneſſes.

The Reſpondents are willing to wave this Point, and deſire this Act of Parliament for the eſtabliſhing this Will of the 21ſt of *March* 1689. ſubject to ſome Proviſoes, and with a ſaving to the Rights of Strangers; but the Petitioners do oppoſe this Act, though there is in the Act a ſaving of the Rights of Strangers; and the Reſpondents are willing that a ſufficient ſaving may be in the Act, whereby any Stranger may be at liberty to ſet up and prove any other Will. The end of this Act being to ſettle this Will againſt the Diſpute aforeſaid, wherein the Reſpondents are only concerned as Heirs at Law.

As to any that do not take by this Will, it is conceived, and it is deſired, that they may be at liberty to ſet up any other Will.

As to any that take by this Will, they will be benefitted by the Act, for this Diſpute againſt the Will by this Act taken away.

As to the Alterations of the Will made by the Proviſoes, there is no injury done to the Petitioners, or to any other on whoſe behalf they Petition.

The Money-Legacies are almoſt all paid, and the Perſonal Eſtate is increaſed by the Act, becauſe *Noſworthy*'s and *Strode*'s Mortgages, are declared to be part of the Perſonal Eſtate: And what the Perſonal Eſtate ſhall fall ſhort to anſwer all Demands, is by the Act to be made good out of the Real Eſtate.

The Annuity-Legatees will be benefitted by this Act, becauſe by the Will, they are charged upon the Real Eſtate without any Remedy at Law for the recovery. But now, by the Act they are charged upon the Real Eſtate as Rent-charges recoverable by Diſtreſs or Action; and on default of Payments after Two Months, there is a Proviſion of *Nomine pœnæ* not to be voided in Law or Equity.

As to the Real Eſtate given by the Will to the Lord *George Maynard Colcheſter*, and the Lady *Suffolk*, and their Heirs, upon Truſt to be conveyed after the Death of the Lady *Suffolk*, to the uſe of the Reſpondents, and their Iſſue: The Lord *George* refuſeth to act, and *Maynard Colcheſter* doth not act, and the Lady *Suffolk* is willing to be eaſed of the Truſt. Therefore the Act authorizes the Truſtees immediately to convey the Mannors, *&c.* to ſuch Perſons, and for ſuch Eſtates, as the ſame are appointed by the Will to be conveyed after the Death of the Lady *Suffolk*.

As to any Alterations by this Act of ſome of the Truſts limited by the Will concerning the Real Eſtate, the Petitioners are no way concerned in them, but only their Reſpondents, and their Children; for there is no Limitation by the Will of any Remainder over, upon failure of the Sons and Daughters of the Lady *Stamford*, and Lady *Hobart*.

There is no Suit in Chancery concerning the Validity of this Will, but only againſt the Executors and Truſtees, to tye up their Hands till the Validity of the Will, upon the Special Verdict in the *King's Bench* be determined. The Validity of which Will was only controverted by the Reſpondents as Heirs at Law.

This Act is to ſettle the Diſpute upon the Will. And as to the Alterations made by it, the Lady *Stamford*, and the Lady *Hobart*, who are Heirs at Law, and the Lady *Suffolk*, who is the only Executrix that acts, are contented, and they are the only Perſons concerned. The Legacies and Annuities given by the Will, are meliorated by this Act.

In ſhort, As to the Petitioners Right by any other Will, which is none, yet there is a ſaving; and as to any Alterations made by this Act they are not concerned in them, nor is it deſir'd by the ſaid Bill to ſell any part of the Eſtate.

The Real Eſtates ſuffers very much while the Diſputes about the Will remain undetermined. The Receivers dare not ſue any Tenants for their Arrears of Rent; nor can he fill up the Eſtates in Copies or Leaſes, and can hardly prevail with Tenants to take from Year to Year.

JOHN FOX Gent. Plaintiff;

AND

Simon Harcourt Eſq; Defendant.

In a Writ of Error brought by the Plaintiff upon a Judgment given againſt him in the Court of King's Bench, in an Action of *Indebitatus aſſumpſit*, there brought by Mr. *Harcourt* againſt Mr. *Fox*, for trying the Right of the Place of Clerkſhip of the Peace for the County of *Middleſex*.

July, 1689. THE Earl of *Clare* being *Cuſtos Rotulorum* of the County of *Middleſex*, in *July* 1689. appointed Mr. *Harcourt* to be Clerk of the Peace of the ſaid County, who accordingly enjoyed that Place all the time the Earl of *Clare* continued *Cuſtos Rotulorum* there.

Febr. 1691. The Earl of *Clare* being removed from the Office of *Cuſtos Rotulorum*, and the Earl of *Bedford* made *Cuſtos Rotulorum* in his room, the Earl of *Bedford* conſtituted the Plaintiff, Mr. *Fox*, duly qualified, Clerk of the Peace there, who accordingly entred upon and executed the ſaid Place: But Mr. *Harcourt* pretending that by virtue of the Grant of the Earl of *Clare*, and of a late Statute, made in the firſt Year of their now Majeſties Reign, he had an Eſtate for Life in the ſaid Office, and not determinable upon the Removal of the *Cuſtos Rotulorum*, by whom he was appointed, brought the ſaid Action againſt Mr. *Fox*.

Mr. *Fox* being adviſed by his Counſel that the Right of making and appointing the Clerk of the Peace had been ever in the *Cuſtos Rotulorum* for the time being: And that the ſame is by the Statute 37 *Hen.* 8. *cap* 1. declared to have always been ſo; and that it is by the ſaid Statute enacted, **That ſuch Clerk of the Peace ſhall hold and enjoy the ſaid Place during the time that the** Cuſtos Rotulorum **ſhall occupy and exerciſe the Office of** Cuſtos Rotulorum. By which Act it ſeems apparent, that the Clerk of the Peace could not continue longer in that Employ than the *Cuſtos Rotulorum* did who put him in, and whoſe Servant he was.

And being further adviſed, that there was very little Reaſon to think that the Parliament by the ſaid Act of 1° K. *William* and Q. *Mary*, had the leaſt Intent to take away from the *Cuſtos Rotulorum* the Right and Power of putting in whom they thought fit to ſerve them in that Employment of Clerk of the Peace, whether one of another's putting in, how unfit ſoever he may be for that Employment, and how much ſoever diſpleaſing to the *Cuſtos Rotulorum*, ſhould yet in Deſpight of him be his Servant in that Place.

And it being humbly conceived to be clear and plain that the Statute of 1° K. *William* and Q. *Mary* hath not taken away that Right from the *Cuſtos Rotulorum* which is ſo expreſly declared and ſettled ... the Cuſtos **for the time being** by the Statute of *H.*8. the Words of the Statute 1° K. *William* and Q. *Mary*, upon which the Defendant lays all his Streſs, being, **That the Clerk of the Peace ſhall take and receive the Fees, Profits and Perquiſites thereof, for ſo long time only as he ſhall well demean himſelf in his ſaid Office.** And though it be not added, as it is in the 37 *Hen.* 8. **During the time that the** Cuſtos Rotulorum **continues** Cuſtos; yet that is conceived to be neceſſarily implied, and ſo ſtrongly, that it is believed it was not thought any ways neceſſary to put them in.

Mr. *Fox* for theſe Reaſons reſolved to ſtand the ſaid Trial, not only for the maintaining his own Right and Intereſt, but alſo of his Lord's the Earl of *Bedford*, and of the Right of every *Cuſtos Rotulorum*. And upon the Trial thereof the Jury found, in a ſpecial Verdict the two recited Statutes upon the right Conſtruction, whereof depends the Plaintiff's and Defendant's Title to the ſaid Place, upon which the Court of King's Bench have been pleaſed not only to pronounce a Judgment for Mr. *Harcourt*, but alſo to grant a *Mandamus* for the reſtoring Mr. *Harcourt* to the Place, which *Mandamus* was brought to the Juſtices the Seſſions following, *viz.* in *July* 1693. (after this Writ of Error was brought and allowed, and Bail given) upon which the Juſtices of the Peace, at the ſaid Seſſions, did turn out Mr. *Fox*, and admitted Mr. *Harcourt*, who is now in Poſſeſſion of the Clerk of the Peace's Place, whether the Earl of *Bedford* will or no, and muſt remain ſo, how juſt Reaſons ſoever his Lordſhip may have to except againſt him, unleſs the Judgment ſhould be reverſed in the Houſe of Lords, which Mr. *Fox* humbly hopes will be done upon their Lordſhips hearing of the Matter: for the Law has made the Records inſeparable from the *Cuſtos*, and the *Cuſtos* his Commiſſion enjoins him to have the Records before the Juſtices at every Seſſions, and who ſhall carry them? it is not fit the *Cuſtos* himſelf, being generally of the principal Nobility, ſhould do it: Why then his Clerk of the Peace muſt do it; and if the *Cuſtos* cannot truſt him, which he muſt do (if he will not do it himſelf) there will be a manifeſt Failure of Juſtice; beſides the *Cuſtos* muſt incur the Danger that will follow in caſe any Records are razed or imbezell'd, for by the Law the *Cuſtos* is only reſponſible for the Records, there being no Proviſion in the Act 1 °K. *William* and Q. *Mary* to ſave him harmleſs in that Particular.

And beſides the Danger the *Cuſtos* is in if he may not have the appointing of his own Clerk of the Peace, the *Cuſtos* is made uſeleſs and needleſs, unleſs the Clerk of the Peace dieth when he is *Cuſtos*.

It ſeems reaſonable that ſuch a Conſtruction ſhould be put upon the Words of the Statute of 1° K. *William* and Q. *Mary*, as may prevent ſuch Inconveniencies, and may not deſtroy the Intereſt of the *Cuſtos*, and create an Eſtate to the Clerk paramount to that of the *Cuſtos*, who formerly was Maſter to the Clerk of the Peace.

THE

CASE

OF THE

Earl of *STAMFORD*,
and his LADY;

And of Sir *Henry Hobart*,
and his LADY;

Relating to

Sir *John Maynard*'s WILL.

The CASE of EDWARD STRODE *Gent. in an Action of the Caſe, for ſcandalous Words, and pretended falſe Impriſonment, brought againſt him,* Thomas Pemberton *Gent. and* Henry Manning *Defendants, by* George Rodny *Plaintiff.*

Caſe.

ONE Mrs. *Joyce Buckeridg* having ſet up ſeveral forged Deeds to ſtrip one *Richard Anderſon* Eſq; of his Inheritance; and after ſeveral Trials at Bar, and a Decree in *Chancery*, the ſaid Deeds being detected, and Mrs. *Buckeridg* convict for the forgery of one of them; pending theſe Suits, Mrs. *Buckeridg* ſent down the Plaintiff, *Rodny* her Brother, to hold the poſſeſſion of the Rectory of *Bury Pomeroy* near *Totneſs* in the County of *Devon'*, and to receive the Rents and Profits thereof; the Tythes of which Rectory, together with the mean Profits, were adjudged to the ſaid Mr. *Anderſon*: who thereupon ſent down ſeveral Writs againſt the ſaid *Rodney* for the mean Profits and Rents received by him, but could not get him arreſted thereon.

Whereupon, about the latter end of *July* 1685, Mr. *Anderſon* deſired the Defendants, *Strode* and *Pemberton*, to go down thither, and to get the Plaintiff *Rodney* arreſted, and to that purpoſe ſent a Writ by *Pemberton*, (againſt Mr. *Rodny*, at the Suit of Mr. *Curteis* Truſtee for Mr. *Anderſon*) who took a VVarrant on the ſaid VVrit, and repaired to *Bury Pomeroy* aforeſaid, where the Plaintiff *Rodny* was taken by virtue thereof, by the Defendants: who fearing *Rodny* might be reſcued, for preventing thereof, gave out to the Rabble, that they had taken him as a Rebel, for being one of thoſe that were with the late Duke of *Monmouth* in the late Rebellion. But on the firſt Arreſt, they acquainted Mr. *Rodny* himſelf, that they took him on the VVarrant at the Suit of *Curteis*, and ſo carried him to an Alehouſe in the ſame Pariſh where he was taken; where Mr. *Rodny* ſent for an Attorny, who read the VVarrant; and the Defendants offered to diſcharge him, if he would give but 200 *l.* Bail to the Action: which *Rodny* refuſed, and ſo was carried to Priſon by virtue of the ſaid VVarrant, and for no other Cauſe whatſoever, and was in Priſon charged with nothing elſe, as appears by two of Mr. *Rodny*'s own Affidavits, and by the Affidavits of Mr. *Pemberton* and Mr. *Good* the Goaler.

See Rodny's *own Affidav', one ſworn 3 months, the other 6 months after the Arreſt.* Rodny *ſwears he was taken on the Writ, at the Suit of* Curteis, *and mentions not one word of being ſeiſed as a Rebel: and the Goaler* Good *ſwears, he received him a Priſoner at the Suit of* Curteis *only.*

Notwithſtanding which Mr. *Rodny* brought this Action againſt the Defendants, for charging him to be a Rebel, and to have been with the late D. of *Monmouth* in the late Rebellion. To which Action *Strode* and *Pemberton* jointly pleaded, Not Guilty: and *Manning* ſuffered Judgment by Default; and upon Trial, in *March* 1685, one and the ſame Jury found the Defendants, *Strode* and *Pemberton*, both equally Guilty, *de premiſſis*, yet aſſeſs Damages againſt *Strode* to 1000 *l.* againſt *Pemberton* to 50 *l.* And on the Inquiry againſt *Manning* aſſeſs Damages againſt him to 50 *l.* The Plaintiff *Rodny*, before Judgment, entred two *Noli proſequie's* as to *Pemberton* and *Manning*, and took Judgment againſt *Strode* for the 1000 *l.* and 75 *l.* Coſts. VVhich Judgment hath been affirmed in the Exchequer Chamber in *Trinity* Term laſt; and on the Defendant's paying Mr. *Rodny* 120 *l.* in laſt *Michaelmaſs* Term, for a *Ceſſat Executio* to ſave his Bail, till he could bring his VVrit of Error in Parliament: which VVrit he hath now brought, and it is now come here by VVrit of Error.

And the only Queſtions are, VVhether the Verdict was at firſt Vicious? and if it were, then whether a *Noli proſequi*, as to the Defendants *Pemberton* and *Manning*, will make the Verdict againſt *Strode* good?

Note. The Plaintiff *Rodny*, on the Trial, never proved he was damnified one Peny. And if the Judgment be reverſed upon this Writ of Error, the Plantiff *Rodny* hath another Action of the Caſe now depending againſt the Defendant *Strode*, for the very ſame words as were given in Evidence againſt *Strode* on the firſt Trial, and for which the Jury gave the Plaintiff *Rodny* 1000 *l.* Damages as aforeſaid.

It is ſtrange a Perſon ſhould receive 1000 *l.* Damages for being charged to be a Rebel, when he himſelf ſwears he was taken up and arreſted at the Suit of *Curteis*, and not mentioning his being taken as a Rebel.

John Dormer *of* Aſcot, *Eſq*; *Appellant.*

The Hon[able] Charles Bertie *and* Henry Bertie, *Eſq*[rs],
The Children of the Hon[able] Peregrine Bertie, *Eſq*; *deceas'd*,
And the Children of Henry Cane, *Sen' Gent. deceas'd*,
} *Reſpondents.*

The Reſpondents C A S E.

Will 10 Novemb. 1693.

Robert Dormer, Eſq; (deceas'd) being ſeized in Fee of a real Eſtate of near 1700 *l. per Annum*; and, having contracted Debts to the amount of 8000 *l.* beyond the Value of his perſonal Eſtate, made his Will, and thereby deviſed out of the ſaid real Eſtate 200 *l. per Annum* apiece in Fee to his ſix Brothers of the Half-Blood (the *Dormers* of *Rowſham*) to be ſettled on them by his Executors at the end of three Years next after his Death. And gave to each of his Executors Legacies of 5 *l.* apiece to buy them Rings and the like Legacy to the Appellant. Willed, That all his Debts ſhould be paid by his Executors: "And then gave all the reſt and reſi-
The very Words. "due of his real and perſonal Eſtate to his three Uncles, *Peregrine*, *Charles* and *Henry Bertie*, and *Henry Cane*, Sen'
"(whom he appointed Executors of his Will, in Truſt and Confidence that they would ſee it performed) equally to
"be divided between them, Share and Share alike: To have and to hold the ſame to them, their Heirs and Aſſigns
"for ever, or to the Survivors of them, who ſhould take the Care and Trouble upon them to ſee the Will performed.

Teſtator died 1 Feb. 93. These four Executors (now Reſpondents) proved the Will and took upon them the Payment of the Debts.

24 Jan. 1697. The Appellant brought his Bill in *Chancery* for recovery of the whole Eſtate, ſuggeſting, That the Will was obtained by fraud and when the Teſtator was not *compos mentis*; and in other Parts of his Bill he ſeemed only to aim at the ſaid Surplus, on pretence, that 'twas deviſed in truſt for him, and ought to enure to his Benefit as Heir at Law.

The Appellant might and ought to have gone to Hearing upon the Conſtruction of the Will without any Examition; but, inſtead thereof, he took out a Commiſſion, and examined many Witneſſes upon pretence of ſetting aſide the Will, which neceſſitated the Reſpondents to examine on their part to ſupport the Will: And it was fully made
The Appellant was but Couſin-German to the Teſtator. appear, That the Teſtator had a great Reſpect and Value for his ſaid Executors, (three of whom were his own Uncles) and that the Appellant had quite loſt his Favour.

The Appellant, after the Commiſſion executed, moved and got leave to add an Interrogatory, to examine one *Smith* and *Maſon*, as to Mr. *Cane*'s Diſcourſes touching the Will, and afterwards (without giving due Notice) moved, and by ſurprize, obtained an Order of *6 Feb.* 1698. for enlarging the Interrogatory ſo as to extend it to the
6 Feb. 1698. 9 Feb. 1698. Teſtator's Diſcourſes, and to re-examine *Smith* thereto; which laſt Order was three Days afterwards diſcharg'd upon long Debate, the Court being ſatisfied that no ſuch Examination or Enquiry ought to be permitted in relation to a Will in Writing, and that *Smith* had been before examined at the Commiſſion to that very Matter.

3 March, 1698. On Hearing the Cauſe, the Appellant inſiſting that the Will was not good, the Court directed the Validity thereof to be tried at Law, and that Mr. *Cane*, Sen', who drew the ſame, ſhould be examined on Interrogatories, for diſcovery of the Draught and Inſtructions.

Lord Somers, 14 June, 1699. Mr. *Cane* was examined accordingly: After which the Appellant would not proceed to Tryal, but waved the ſame, and admitted the Will to be good, and 14 *June*, 1699, brought on the Cauſe to be Heard as to the pretended Truſt: Whereupon, and upon Reading the Will and Proofs and long Debate, the Court declared they ſaw no Cauſe to give the Appellant any Relief, and therefore Diſmiſſed his Bill: From which Diſmiſſion, and alſo from the ſaid Order of *6 Feb.* Mr. *Dormer* the Heir has Appealed, and prays he may have the Benefit of the ſaid Surplus claimed by the Reſpondents.

But the Reſpondents are adviſed, and do inſiſt that the ſaid Diſmiſſion is juſt and equitable; for that the ſaid Will is ſo far from Importing or Implying any Truſt for the Appellant, as to any of the Lands thereby deviſed, that there can hardly be found Words that do more expreſly exclude any ſuch Truſt, Preſumption or Implication as the Appellant aims at. And the ſaid Order of the *6 Feb.* was juſtly Diſcharged, for that it is not Conſonant to the Laws and Statutes of this Realm, that any Examination or Parol-proof ſhould be admitted to alter the Conſtruction of a written Will concerning Lands, and for that it is againſt Practice, and would be of dangerous Conſequence to all Mens Eſtates, and a means to introduce Perjury, if Witneſſes who have been once examined in a Cauſe, ſhould afterwards be permitted to be re-examined to the ſame Matters.

Vide, *Act againſt Frauds, &c. in* 1677.

Wherefore the Reſpondents pray the ſaid Appeal may be Diſmiſſed with Coſts.

HENRY POLEY.

K. Engraving - Parl. - - - - Car. 2 Parl. - -

The Caſe of their Majeſties Antient Publick Office of Aſſurance, for Making and Regiſtering of Policies of Aſſurance in the City of London. *Humbly offered to the Right Honourable the Lords Spiritual and Temporal in Parliament aſſembled.*

IT has been an Uſage time out of mind amongſt Merchants when they have ſent out greater Adventures than they have been willing to run the Riſque of, to give a Premium to others for them to enſure ſuch part of the Goods as is agreed between them. Heretofore the Aſſured relied only on the Credit of the Aſſurers; and if any Differences aroſe they were uſually determined by Merchants appointed (for that purpoſe) by the Lord Mayor; as it appears by the preamble of the Statute of the 43 *Eliz. cap.* 12. The Merchants of *London* being ſenſible that this manner of Trading by way of Aſſurance was a very great Incouragement of Traffickers, but finding that there had been ſeveral Abuſes in it, they Petitioned Queen *Elizabeth* in the 17*th* year of her Reign to erect a Publick Office for the Regiſtering of Policies of Aſſurance; and thereupon the Queen, by her Letters Patents, reciting, That it had been an Antient Cuſtom of Merchants in *Lombard-ſtreet*, and then in the Royal Exchange, to make Policies of Aſſurance, which were held in great Eſtimation in moſt Parts of Chriſtendom; but at that time, for want of a due and orderly keeping of a Regiſter, Merchants had been abuſed by evil diſpoſed Perſons, who aſſured the ſame thing in ſundry Places. For prevention of thoſe, and the like Abuſes, the Queen did appoint *Richard Chandler*, Maker and Regiſter of all Policies of Aſſurance, and did provide and declare that all Policies made after the ſaid Grant by any other Perſon ſhould be void.

This Patent was only during Pleaſure, to make an Experiment of the Expediency or Inconveniences of it. The Office continued under that Patent until the 30*th* year of Queen *Elizabeth*, and then the Queen reciting that her former Grant had been found greatly Beneficial, and taken good Effect, granted the ſaid Office to *Richard Chandler*, and one *Richardſon*, for their Lives. Some time after which, at the Solicitation of the Merchants, there was a Statute made (*viz.* in the 43 of *Eliz.*) which not only takes notice and allows of the Office, but gives all manner of Incouragement to it, by erecting a Court, and granting great Powers to the Commiſſioners to enable them to give a quick and eaſy Recovery to the Inſured, when Loſſes happen. After the death of *Richardſon*, and *Chandler*, *Anno 7th. Ja. primi*, this Office was granted to *Giles* and *Walter Overbury* for their Lives, and after their Deaths for 31 years, the 3 *Car. prim.* it was granted to *Richard Bogan* for 31 years; and the 14 *Car.* 2. there was another grant of it to *Nich.* and *Tho. Veel* for their Lives; both which laſt mentioned Patents were ſurrendered to the King the 12 *April*, 1665. and the Office was granted to Sir *Allen Brodrick*, and his Aſſigns, under which grant the preſent Patentee claims; in every one of theſe ſucceſſive Grants there is this Clauſe (or to this Effect) That every Policy of Aſſurance, contract of Aſſurance, Intimation, or Renunciation, that ſhall be made after the date of theſe Letters Patents, upon any Ship, Goods, or Merchandize, or other the Premiſes, by any manner of Perſon or Perſons, within the Royal Exchange, or any other Place within the City of *London*, being not made and regiſtered by Sir *Allen Brodrick*, and his Aſſigns, Deputy or Deputies, ſhould be utterly void.

'Tis obſervable, That this was not only a publick and known Office openly kept ever ſince its firſt Erection, but if that reſtrictive Clauſe were publickly taken notice of, as it appears in my Lord *Coke*'s 12 Book of Reports, Folio 117. And yet in the 21*th* year of K. *James*, or in the time of K. *Charles* the Firſt, when there was ſo great Enquiry after, and means taken to ſuppreſs all Patents that tended to Monopolies, this Office was never touched nor looked upon to be ſuch; nay, on the contrary, it has received not only the countenance of the Statute before-mentioned (43 *Eliz. cap.* 12.) but in the 14*th* year of the Reign of *Car.* 2. after near 100 years Experience of the Benefit of it, the Parliament made an Additional Act to the former, giving the Court greater Powers than it had before; and afterwards, in the Act for Rebuilding the City of *London*, the 19 *Car.* 2. 'tis provided that Policies made in *Greſham* Houſe (where the Office was kept for neceſſity upon that occaſion) ſhould be as Authentick as Aſſurances made in the Antient Office on the Royal Exchange. Which proves not only the Parliaments allowing and approving of the Office, but ſhews that they thought (as in the Grant expreſſes) that Policies ought not to be made elſewhere, and were not of Force if not made there, for elſe there had been no need of that Proviſion.

Now that this is an Office of great Benefit is certain. It will be for the Advantage of the King in his Revenue; Firſt, by the Incouragement that the Security of dealing will give to Perſons to Trade.

By preventing the Shipping of, or tranſporting Counterband or Prohibited Goods, or the defrauding of the King of his Cuſtoms by Miſ-entries, to which private Offices give Incouragement, but a publick one would be a means to detect ſuch Deceits.

The Benefit will be great both to the Aſſurers and Aſſured (to ſuch 'tis meant as deſign honeſtly) and that there may be Security to both on the Terms agreed on is the intent of the Policy.

As to the Aſſurers, one very great Miſchief to them was, That Perſons would aſſure on Ships with different Perſons, and in different Places, far beyond the Value of the Goods which they had on Board, and then with confederacy with the Maſter of the Ship the Ship ſhould be caſt away ſomewhere near Land, and thereby the aſſured be great Gainers, by their Recovery againſt all the ſeveral Perſons, of which there are many and frequent Inſtances. Which Fraud would be eaſily detected in a publick Office, were the whole that every Man Aſſures upon one Ship may be known to the Aſſured (for whoſe Benefit the ſeveral Acts were chiefly made) It will be of great Advantage; for 'tis an uſual thing for Aſſurers to ſubſcribe Policies for far greater Sums, than (if Loſſes happen) they are capable of anſwering. This will in a great meaſure be prevented by being viſible in the Office how far the Perſon with whom they are treating has under-written, by which they may make a Judgment whether they dealt ſafely or not.

The ordinary and loweſt Rate then currant as a Premium will be known, and ſo no one need be ſurpriſed into the giving Extravagant, or more than the Common Rates then currant.

The Entry of the Policies in the Regiſtry will be good Evidence ſhould the Policies themſelves be loſt.

There is likewiſe great Advantages to the Aſſured in the Recovery of their Moneys, by the Power the Commiſſioners have to Examine Witneſſes beyond Sea, and the ſpeedy Courſe that is taken by the Court in their Proceedings, the Statute appointing Courts to be kept weekly; which is of great uſe where Sea-faring Men are generally the Witneſſes, who cannot attend the tedious Proceedings of Common Law, being required to Sea again before a Tryal be had.

That in many Caſes where Inſurances have been made in private Offices, and Loſſes happen thereon, the Aſſured have been forced to take of the Aſſurers what they pleaſe to give them; a half, or leſs part of their due, by reaſon of the defect of the Policies; as in the Caſe of one Captain *Saye*, where the Policy being imperfect the Loſs could not be recovered.

By the Cuſtom of Merchants no Man can recover a Loſs till he have firſt renounced his Intereſt to the Aſſurer; and there is no Place where a Renunciation can be legally taken, but in the publick Office of Aſſurance; and the Office of Aſſurance can take no Renunciation but of ſuch Policies as are there Regiſtred, and that before notice of the Loſs. Therefore the Aſſurers would be glad the publick Office were diſcharged, having this Advantage againſt the Aſſured.

That in all Places abroad where any Inſurances are made, there is no Office for making Policies of Aſſurance but what is allowed by publick Authority.

This Office is Authoriſed by the Prerogative of the Crown, and is by Statute Law made a Branch of, and ſubject to the High Court of Chancery.

The Lord BRUCE and the Lady ELIZABETH BRUCE his Wife, desire a Bill may be passed in Parliament, Relating no manner of way to the cutting off Entails, nor the selling of Land, nor in the least to the prejudice of their Children, nor any other Reversions, as by the Bill appears.

SOME persons out of a worthy intent, desired that an Application by way of Reference might be made to my Lady *Elizabeth Bruce's* Mother the Duchess of *Beaufort*, who opposes every individual Article of the Bill, her reasons for it yet unknown.

An Application was made, and four days spent in it, two or three Meetings each day appointed and put off to their great prejudice.

The Lord *Bruce* came to this fair Proposition, That he would refer the whole business to any one person she would name, and to stand to his Award whatever it was.

At the end of four days the Duchess of *Beaufort* was waited upon by the Lord *Bruce* and his Referee, the several particulars of the Bill were Read, a general Objection to them all, with no other answer but *Sic Volo sic Jubeo.*

Not any one particular of the Bill is of any advantage to the Lord *Bruce*, but only to rectifie some omissions and make some alterations in an agreement made last year, which was consented to most unwillingly by the Lord *Bruce* and his Lady, being compelled thereunto, by reason of the great and uncontroulable power the Duchess of *Beaufort* had over the Estate, occasioned by Settlements many years since at her former Marriage, and by some obtained Settlements at the Lady *Elizabeth Bruce's* Marriage; which were most unwillingly consented to, it being thought very hard to be imposed on to settle half her Estate on her Brother the Earl of *Worcester*, who was but of the half Blood, in case she had no Children, which contingency is the only reason this unreasonable opposition is made, although it be pretended it is done for the good of the Children, the Father and Mother being conceived to be persons who wholly study the ruine of them.

There is a Debt of 15000 *l.* which remains as yet unpaid, or most part of it, which is acknowledged to be a Debt contracted for the payment of the Debts and Annuities the Estate was charged with before the Marriage, this they say must be paid before any part shall be applied to the Lord *Bruce's* use, contrary to a promise which can be made upon Oath, that a certain yearly allowance should be consented to, until the debt was paid, but becaus it was not under Hand and Seal, it is thought not binding although a firm promise, it being nine years since the Marriage, and during the whole time not one Farthing of that Estate has been applied to any use but paying the Debts, *&c.* of *John* late Duke of *Somerset*; and the Lord *Bruce* has disbursed of his own proper Mony above 4000 *l.* for the same use, which is denied to be paid, and took up after above 20000 *l.* more at one time on his own security, to free the Estate from the Debts and Legacies, and by consequence many Law Suits which were commenced for the same, and every part of it is Confessed to be applied its to use; and yet they refuse to have the said Debt charged on the Estate, as also to allow the Interest thereof: Which unheard of Proceedings, the Lord and Lady *Bruce* Humbly pray to be relieved from.

Reaſons for the KING,

THE

Dutcheſs of Richmond, and the Farmers,

To be offered againſt the BILL for *Transferring* the Duties of *Subſidy* and *Aulnage* to the Cuſtom-Houſe.

The Kings Title and Power to let to Farm.

Firſt, THE *Aulnager* was an Antient Officer of the Crown, as appears by *Magna Charta*, and other Statutes; and his Buſineſs was to Meaſure between the Buyer and Seller; and by the 27 *Edw.* 3. *Cap.* 4. his Fee is aſcertain'd to a *Half-Penny* for a whole Cloath, and a *Farthing* on half a Cloath: But the *Subſidy* which is *Four Pence* on a Broad Cloath, and ſo proportionably on all Woollen Manufactures was, by other Statutes, given the Crown in Lieu of Antient Cuſtoms the Kings of *England* had on Wool Exported, as appears by Records, and in the 2d. part of *Cooks* Inſtitutes, *Fol.* 60. and not for any Office to be performed by the Aulnager, as is moſt falſely ſuggeſted; and altho' by the Statute of 5 & 6 *Edw.* 6. *Cap.* 6. and other Statutes, the Office of the Aulnager is transferred to Searchers and Overſeers, to be appointed by every County and City, with a Fee of *Two Pence* a Cloath, for their pains: Yet by thoſe Statutes the Aulnagers Fee is reſerved and made part of the Revenue: And theſe Revenues (with the moiety of Forfeitures) have been Let to Farm above two hundred Years, by virtue of the Statute of the 17 *Edw.* 4. *Cap.* 5. which enables the King to let the ſame to Farm: And the Seal now uſed (which they would inſinuate to ſignifie Nothing) is not the Seal of the Aulnager, which was heretofore a Seal of Content; for his power is taken away by the beforementioned Statutes; but the Seal of the Collector of the Subſidy mentioned in the Statute 27 *Edw.* 3. *Cap.* 4. and ſignifies only the Receit of the Duties; and the Forfeitures is not for want of the Aulnagers Seal, but the Seal of the Collector of the Subſidy.

The Dutcheſs her Title.

Secondly, The Dutcheſs of *Richmond* hath 2000. l. *per Annum* out of the profits, ſecured by her Marriage-ſettlement, and by Decree in *Chancery* for 7600 l. (by her paid for the over-plus above her Joynture, and rent to the Crown to the Executors of the Duke) is a purchaſer for valuable conſideration of the remainder of a term of Sixty Years to come, purchaſed from the Crown by the late Duke her Husband in 1664. under the Rent of 997 l. 2. s. to which Rent the ſame had been reduced by Fines, and other conſiderations given the Crown, and of a ſurrender of a former Leaſe for 60. Years made by King *James* I. to *Lodowick* Duke of *Richmond* for valuable Conſiderations.

The Farmers Title.

Thirdly, The preſent Farmers, for *Nine Thouſand Pounds* Fine, are Purchaſers from the Dutcheſs, and her Truſtees, of the ſame Duties, for *Twenty-One Years*, from 1682. under the yearly Rent of 3138 l. The Reaſon of which Low-Rent, was, That moſt of the chief Counties, As *York*, *Lancaſter*, *Glouceſter*, *Norfolk*, &c. were out in Leaſe for diverſe years then to come; and that the Farmers muſt expend great Sums of Money, before they could Repay themſelves any thing (as in Truth they did): The reſidue of the Term being *Twenty-Two Years* remaining ſtill ſolely in the Dutcheſs, under the ſaid Rent to the Crown.

The Recompence Inſufficient.

Theſe *Three Rights* appearing thus to be as legally and well veſted reſpectively, as any mans Eſtate in *England*, and that under the ſecurity of the ſaid Act of Parliament, enabling the King to grant the ſame, to Farm; The Proſecutors of the Bill will not appear Bare-faced to pray them to be deſtroyed: But as by the Title of the Bill appears, they call it only, *A Bill to Transfer the Duties to the Cuſtom-Houſe, and to give a Recompence for the ſame to the Crown.* By which very Title of the Bill they Diſcover themſelves; for if it were only to be Transferred, and not Leſſened, or taken Away, What need a Recompence for the ſame?

But to Shew that this Bill is not a ſufficient Recompence;

To the Crown.

Firſt, Not to the Crown, for it takes away the ſaid Rent to the Crown, and gives nothing in Lieu thereof.

To the Dutcheſs.

Secondly, Not to the Dutcheſs: For the Bill does Impoſe little or no Duty on the Commodities Exported, more than they now pay, but ſome of them conſiderably Leſs, as by the particulars of the Duties now payable, compared with the Bill appears.

Eaſes the Home Conſumption, to lay it on the Exportation.

Thirdly, It Diſcharges all the Commodities conſumed at Home abſolutely from theſe Duties, which by Law the Makers are now to pay, and gives a Duty to be paid by the Merchant, only on the goods Exported, which in the times of Peace, and beſt Trade, were never above a Third part of the Woollen Manufacture made in the Kingdom; and not only in time of War muſt be far Leſs, but alſo by the Increaſe and Improvement of Woollen Manufactures in Forreign parts, the Exportation muſt yearly Decreaſe. This, and the former Reaſons, are Demonſtrations, That what the Bill gives, muſt fall Short greatly above Two parts of the true Value, beſides the Uncertainties.

The Charge at the *Cuſtom-Houſe* as great as Now.

The Cuſtoms but Temporary.

The Proſecutors of the Bill would ſupply this by pretence, that the Expences of Collecting are now great, and will be ſaved by the Method of the Bill: Whereas they well know, that the Charge at the *Cuſtom-Houſe*, will be very great: But if they intend it ſhould Depend upon the Collection of the Cuſtoms, and by the Cuſtom-Houſe-Officers without Charge, there is no ſuch proviſion made by the Bill, nor what Officers ſhall Collect and Account for it, nor can it be expected that ever a juſt Care or Account can be had from Officers without an Allowance; and its hoped, they would not have an Eſtate of Inheritance depend upon what are but Temporary (as the Cuſtoms are); for ſhould they Ceaſe five times the Value of theſe Duties upon exportation would not pay for the Collecting.

Two Bills of the ſame kind, have been brought before Your Lordſhips, but Your Lordſhips did not think fit to paſs either of them, and the ſame Reaſons ſtill remain.

The Dutcheſſes Pet' to the H. of Com' rejected, & not Read.

The proſecutors being ſenſible, thoſe Bills were not a Compenſation, have obtained ſome ſmall Additions of Rates to be added upon ſuch Commodities Chiefly; of which, little is Exported, which likewiſe (if the Houſe of Commons had been pleaſed to have Heared the Perſons intereſted upon their Peritions, which they Rejected without being read) would have been Demonſtrated to that Honourable Houſe, that the ſaid Bill was no manner of Compenſation, either in Value, or in point of Remedy.

The preſent clear Yearly Value of the Duties.

It hath been and will be made appear unto this moſt Honourable Houſe, that the Yearly value of the ſaid Duties Amounts to 7000 *l.* and upwards, clear of all Charge, and that the ſame is received only for ſuch *Manufactures* as are Legally Lyable to the Payment of the ſaid Duties; and that the Rates given by this Bill, will Amount to nothing near that Value, beſides the Charge of Collection, and all Contingences of Trade and otherwiſe.

The Rates now given, not a Compenſation.

It is alſo Objected, that the Grievances in the Collecting theſe Duties are ſo many and great, That the Office and Seal of the *Aulnager* and Collector of the Subſidy, ought to be taken away.

To which it is Anſwered.

Anſwer to the Complaints in Collect ing the Duties.

THat nothing has been done, but what the Law Directs for Recovering the Duty; and if any Perſon has ſuffered, it was the Default of not paying the Duties (or elſe *uſing* indirect means to avoid the payment of it) there being no power to Search or Seize any Goods, until they are Expoſed to Sail, or Sold.

The perſons Intereſted willing to ſubmit to a Regulation.

But if the preſent Legal way of Collecting be inconvenient, that is neither an Argument to take away, or leſſen the Right, but only to Regulate the manner of Collecting; and all perſons concerned, are willing to conſent to any Reaſonable Propoſals for Collecting thereof, ſo the Legal Duty be continued and ſecured.

The preſent Duties adjudged Legal.

That there is no Duty taken or Demanded, but what is expreſly ſettled by Acts of Parliament, and by Antient Records of 300 Years and upwards, Adjudged upon them, and particularly by all the Judges of *England*, 2 *Jacobi* 1. And by Lord Chief Baron *Hales*, and other Judges; and which purſuant thereto, were Collected long before the Dutcheſs or Farmers were Concerned.

The Conſideration of the Duties, Beneficial to the Kingdom.

If they mean the *Seal* of the *Aulnager* to be taken away, that is ſo already; but if they mean the *Subſidy*, how comes that to be a Grievance now, which has been paid almoſt 350 Years, and for the beſt conſiderarations? *viz.* The increaſe of our *Manufacture*, by hindring the Exportation of Wool, whereby the Wealth of this Kingdom has ſo much increaſed.

The *True Reaſon* of the Bill.

And the Dangerous Conſequence of it.

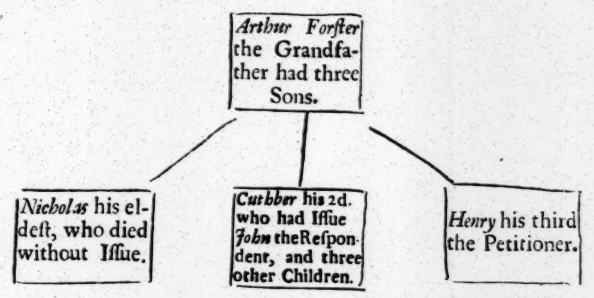
But the True Reaſon of this Duty being a Grievance, is the Great Contributions that have been raiſed, and Subſcriptions that have been obtained by ſome perſons that are the Proſecutors of the Bill, upon the Expreſs Conditions that the Duty ſhall be taken from the Clothier, and laid upon the Merchants; and to Support this Undertaking, have obtained Petitions and Letters, to that purpoſe; and now preſume, by their circular Letters, to obtain the like to Your Lordſhips, to incline Your Lordſhips to the paſſing of the Bill: Well knowing, if they once abſolve the Clothier from payment, and lay it upon the Merchant (as the Bill doth), it will be ſuch a Burthen on Trade, that it is to be Feared, a Future Parliament may ſee greater cauſe to take the Duty Transferred to the Cuſtom-Houſe wholly away, and Conſequently all the Eſtates therein utterly deſtroyed.

Wherefore it is humbly hoped the Bill ſhall not paſs.

Reaſons for the KING, Dutcheſs of *Richmond*, and the *Farmers*, againſt Paſſing the Bill relating to the *Aulnage*.

The Caſe of JOHN FORSTER,

Reſpondent to the Petition of Appeal of *Henry Forſter*, which ſeeks to Reverſe a Decree of Diſmiſſion made in *Chancery* the laſt day of *May* laſt; and to affirm a Decree made in 1674 againſt the ſaid *John Forſter* (he being then an Infant of Seven Years of Age) unleſs Cauſe ſhewn when he came of Age.



THIS Reſpondent ſaith, That *Arthur Forſter*, the Petioner's Father, and this Reſpondent's Grandfather, having three Sons, *viz. Nicholas* his eldeſt, *Cuthbert* (this Reſpondent's Father) his ſecond, and the Petitioner his youngeſt Son; and being ſeized in Fee of Free-hold, Copy-hold, and Cuſtomary Lands, worth 300 *l. per annum*, in *England*, and about 116 *l. per annum* in *Scotland*; beſides about 10 *l. per annum* in *England* which he deviſed to the ſaid *Cuthbert* his ſecond Son, died about 20 years ſince. After whoſe death the ſame deſcended on the ſaid *Nicholas* the eldeſt Son, who entred and was ſeized in Fee, and purchaſed other Lands of good value; and about 16 years ſince died ſo ſeized, without Iſſue. Upon whoſe death, all the ſaid Eſtate deſcended on this Reſpondent, as Nephew and Heir of the ſaid *Nicholas* (the ſaid *Cuthbert* this Reſpondent's Father being dead, and leaving this Reſpondent an Infant of three years old, and another Son, and two Daughters.)

That the Petitioner taking advantage of this Reſpondent's Minority, and that his Mother had but 10 *l. per annum* for the Maintenance of her ſelf and four Children, immediately after the death of the ſaid *Nicholas*, entred into all the ſaid Eſtate as well in *England* as *Scotland*, and got all the Deeds into his Cuſtody: And this Reſpondent's Guardian having afterwards, in this Reſpondent's Name, and upon his Title, obtained a Verdict for the Cuſtomary and Copy-hold, and part of the Free-hold; the Petitioner exhibited his Bill in *Chancery* againſt this Reſpondent, then but four years old, to be quieted in his Poſſeſſion, and for an Injunction, pretending three Titles, two at Law, and one in Equity*.

Note.

* The Petitioner when he drew his Bill, made *Walter Scot* (Father to the Petitioner's Wife) Complainant in the Bill; and ſet forth by the Bill, That the Treaty of Marriage made by *Nicholas Forſter* was with *Walter Scot*: which *Walter Scot* died ſeven years before the pretended Marriage-Agreement; which the Petitioner (after the Reſpondent's Anſwer put in) apprehending, got an Order to amend his Bill; and in his amended Bill ſets forth, That the Treaty of Marriage was with Sir *Gideon Scot*, who they never examined as a Witneſs to prove the Agreement.

I. By the ſuppoſed Settlement in the Petition ſet forth, pretended to be made by the ſaid *Arthur* one day before his death.

II. By an Agreement pretended to be made by the ſaid *Nicholas* on the Petitioners Marriage with Sir *Gideon Scott*'s Niece in *Scotland*, for the ſetling all his Eſtate, after his own death without Iſſue, on the Petitioner in tail Male with remainder, to the right Heirs of *Nicholas*, in conſideration of 10000 *Scotch* Marks Portion; which was a meer ſuggeſtion to prevent a Demur. And,

III. By a ſuppoſed Will made by the ſaid *Nicholas*; whereto an Anſwer being put in by this Reſpondent's Guardian on this Reſpondent's behalf, the Petitioner took a Commiſſion into *Cumberland*, and there examined ſeveral of his Wife's Relations who lived in *Scotland*, to prove ſeveral paroll Diſcourſes: Whereupon the Cauſe proceeded to an hearing, in 1674, before the then Lord Keeper, aſſiſted with the late Judge *Wyndham*, who Decreed, That the Petitioner ſhould enjoy to himſelf and his ſeveral Sons, and their reſpective Iſſue Male, according to the ſaid pretended Settlement, all the Lands contained therein; and alſo to Him and his Heirs all other the Free-hold and Copy-hold Lands which were the Lands of the ſaid *Nicholas*: And that this Reſpondent when he came of Age ſhould convey the ſame accordingly, unleſs he ſhould then ſhew cauſe to the contrary; and in the mean time awarded an Injunction, by colour whereof the Petitioner kept Poſſeſſion of the ſaid Eſtate above 14 years, and received above 4000 *l.* for the Profits.

That in *May* laſt this Reſpondent coming to ſhew cauſe againſt the ſaid Decree, and having, by the Aſſiſtance of Friends, procured Counſel and Inſtructions proper for his juſt Defence, (which was not done at the former hearing, by reaſon of his Infancy, and his Mothers Inability) the Court, on long debate of the matter, and hearing the Proofs read, and what could be alledged on either ſide, ſaw no cauſe to give the Petitioner any relief, but diſcharged the former Decree, and diſmiſſed the Bill with Coſts, which is enrolled, as by the Orders and Proceedings may appear.

And this Reſpondent doth humbly inſiſt, That the ſaid Diſmiſſion is Juſt and Regular, and the former Decree Unjuſt and Erroneous; and that if the matters inſiſted on at the laſt hearing had been obſerved to the Court on the former hearing, they would then have diſmiſſed the Bill, as this Reſpondent is adviſed.

And this Reſpondent farther ſaith, That he having twice recovered at Law upon full Evidence on both ſides the ſaid cuſtomary and Copy-hold Lands, and ſo much of the Free-hold as was purchaſed by the ſaid *Nicholas*; which being in ejectment, the Petitioner may have, and ought to take his proper remedy at Law, in caſe he be agrieved thereby, as this Reſpondent is alſo adviſed.

Wherefore, and for that the firſt Decree was not abſolute, but only, unleſs this Reſpondent ſhould, upon his attaining his Age, ſhew cauſe to the contrary; and upon this Reſpondent's ſhewing cauſe, was diſcharg'd; and that upon good grounds and juſt cauſe; he humbly hopes your Lordſhips will be pleaſed to diſmiſs the Petition, and confirm the ſaid Diſmiſſion, *&c.*

And that for theſe Reaſons.

I. For that the firſt Decree (as well as this Petition) is beyond the Bill, which ſeeks only an Eſtate-Tayle in all the Lands, as well what is in the pretended Settlement, as what was afterwards purchaſed; and yet by the Decree the Petitioner is to have the Lands not in the Settlement in Fee.

II. For that it appears by the Decree, that *Nicholas*, who is ſuppoſed to agree to confirm his Father's pretended Settlement, was thereby but Tenant for Life: So that if that was a good Settlement, 'twas not in his power to confirm it, or to do any Act to prejudice his next Brother's Right.

III. For that by the Bill and Proofs it appears *Nicholas* was to be Tenant in Tail before the Petitioner, whoſe Remainder might have been barred by *Nicholas*'s ſuffering a Recovery.

IV. For that an Heir at Law ought not to be diſinherited by uncertain parol diſcourſes, without writing, much leſs when neither the Petitioner, nor his Witneſſes, agree what the effect of ſuch diſcourſes was, but contradict themſelves, and each other.

V. For that the pretended Portion of 10000 *Scotch* Marks, ſell to 4000 *Scoth*, and that not paid, which if it had, it amounts but to about 220 *l. Sterl.* whenas the Petitioner had 1000 *l.* given him by his Father's Will out of his Perſonal Eſtate; who took no notice, nor in truth ever executed any Settlement; but the pretended Deed is feigned, or elſe was unduly obtained in his Sickneſs but one day before his Death, with which 1000. *l.* the Petitioner might have deſerved a better Portion in *England**.

Note.

* The Petitioner examines two Witneſſes in *Chancery* to prove the pretended Deed of Settlement, and they both ſwear the Deed was executed ſix days before *Arthur*'s Death; and *Arthur* died 25 *Dec.* 1669, and the Deed bears Date but the 24th day of *Dec.* 1669. So that the Deed bears date five days after 'twas executed, as by the Petitioner's own Proofs; by which it plainly appears the Deed is forged.

VI. For that here's a pretended Marriage-agreement without any proviſion for the Wife, or Children; nor is there any certain or fixt Agreement, whereon damages could be recovered at Law.

VII. For that ſuch pretended Parol Diſcourſes ought not to be favoured in Equity, much leſs, ſince the Act for prevention of Frauds and Perjuries, whereby all Marriage-agreements and Contracts for Lands not reduced into writing, are void.

VIII. For that if there be any ſuch Settlement, or Will, the Petitioner's remedy is at Law, and not in Equity; and thoſe Pretences ought not to be uſed in Equity to countenance the Pretended Parol-agreement, which in truth they rather contradict than affirm.

The Reaſon of the Petitioner's obtaining a Decree, unleſs Cauſe, was for the Reaſons following, viz.

I. For that the Reſpondent was but of the Age of four years, and had no perſon to examine his Witneſſes touching the validity of the Deed, and reality of the pretended Agreement; nor any perſon capable of drawing his Briefs, and making Obſervations on the Petitioner's Proofs touching the forged Deed, and the pretended paroll Agreemeent.

II. For that the Reſpondent's Counſel on the firſt hearing inſiſted only, That any Agreement whereby *Nicholas* was to have an Eſtate-Tayle, ought not to be executed againſt the Reſpondent after *Nicholas*'s death, for that he might have barred ſuch an Eſtate-Tayle; and that theſe Tenant-Right and Copy-hold Lands could not be intayled, nor were ſubject to a paroll Agreement; and in all Tenant-Right Eſtates, the conſent of the Lord was neceſſary, and the Lord had a greater Intereſt whereby to admit or refuſe Tenants, than in Copy-hold Lands; and *John* was admitted as Heir to his Father, his Uncle, and his Grandfather; and that the Reſpondent's Grandfather, on the Marriage with the Reſpondent's Father, had, upon a better conſideration, made a paroll Agreement, whereby his Real Eſtate ſhould come to the Reſpondent.

And the Counſel at the firſt hearing omitting to obſerve the Deed bears Date four days after 'twas executed, nor obſerving the incoherence and uncertainty of the Witneſſes, and that the pretended paroll Agreement was but a diſcourſe or flouriſh on the Treaty, and no real part of the Agreement; and that the Agreement was not ſuch, that any Suit could be thereupon grounded at Law to recover Damage; and that the pretended Portion of 4000 *Scotch* Marks was but 220 *l.* and that all the VVitneſſes being *Scotch*-men, and near Relations, do depoſe in Terms of Art unlikely to be known by them; and the Petitioner by his Bill ſays the Agreements to be, That the Lands ſhould be ſettled on Him and the Heirs-males of his Body; and his Proof is of a Diſcourſe that they ſhould be ſettled on the Petitioner in Fee.

THE CASE OF

The Lord *JEFFREYS*, and the Lady *CHARLOTTE*, his Wife, ſole Daughter and Heir of *Philip*, Earl of *Pembroke*, deceaſed,

In Relation to a BILL Entituled,

An ACT to ſet aſide ſeveral Amendments and Alterations made in the Records and Writs of a Fine and Two Recoveries in the *Grand Seſſions*, held for the County of *Glamorgan*.

27 *Dec.* 1647. *PHILIP* late Earl of *Pembroke* being ſeized in Tail Male, with remainder over to the preſent Earl, of ſeveral Mannors and Lands in the *County of Glamorgan*, in conſideration of a Marriage to be had between him and *Henriette Querovalle*, and of 10000 *l.* Portion, did by Articles of that Date, Covenant with *Robert* Earl of *Sunderland*, and *Sidney* Lord *Godolphin*, to ſettle on her 1300*l.* *per Annum*, during her Life, out of thoſe Mannors, in lieu of a Joynture; and entred into a Statute of 20000*l.* Penalty to make good thoſe Articles.

The Marriage took effect, and the Portion was paid; and the late Earl, to enable himſelf to make ſuch Settlement, employs Mr. *Rider* and Mr. *Negus*, his own Servants, to get a **Fine** and **Recovery**, levied and ſuffered at the **Grand Seſſions** held in *Glamorgan-ſhire* in *April* 1675. And accordingly Commiſſions of **Dedimus Poteſtatem** were taken out, and directed to Mr. *Herbert Salladine*, Mr. *Francis Negus*, and others, as Commiſſioners to take the Earls acknowledgment of the Fine, and Warrant of Attorney for the Recovery; which were by *Salladine* and *Negus* duly executed and return'd.

That Mr. *Rider* coming to the **Grand Seſſions** was informed, that there were ſeveral Freehold Leaſes on ſeveral parts of the Eſtate, and that the **Recovery** would not bar the Entail of thoſe Lands, unleſs ſuch Freehold Leaſes were firſt ſurrendred; and therefore Mr. *Rider* agrees with the Compounder for the King's Silver, to paſs the **Fine** and **Recovery** at that time for 140*l.* Compoſition Money; which was alſo to be a Satisfaction for a Second **Fine** and **Recovery**, if any were eſteemed neceſſary, for the Tenements contained in ſuch Freehold Leaſes: And in *April* 1675. a **Fine** and **Recovery** of the Eſtate paſſed, and a **Chirograph** of the **Fine**, and an **Exemplification** of the **Recovery** were brought to Sir *John King*, in order to have the Settlement drawn by him; and by his Direction and Advice the Freehold Leaſes were ſurrendred, and a **Fine** and a 2*d.* **Recovery** duly ſuffered of thoſe Lands, at the **Grand Seſſions** held in *Auguſt* after. And thereupon a **Chirograph** of that **Fine**, and an **Exemplification** of that **Recovery** were brought alſo and delivered to the ſaid Sir *John King*.

That thereupon the Earl by Indenture, dat. 10. *Sep.* 1675, Reciting both Fines and Recoveries to be duly levied and ſuffer'd, declar'd the Uſes thereof to himſelf and his Heirs. And in purſuance of the ſaid Articles, and ſubſequent Agreement ſecur'd to his Counteſs a Jointure of 1500 *l.* *per annum*, out of the ſaid Mannors and Lands, of which the ſaid **Fines** and **Recoveries** had paſs'd.

And upon the Execution of the ſaid Fines and Recoveries, and the ſaid Conveyances, the Truſtees of the Counteſs delivered up the Stat. of 20000 *l.* to the Earl to be cancell'd.

That in *Aug.* 1685. Earl *Philip* dyed without Iſſue Male, leaving only one Daughter, *viz.* the Lady *Charlotte* now Wife of the Lord *Jeffreys*; to whom all the ſaid Mannors and Premiſſes, of which the ſaid **Fine** and **Recovery** were ſuffer'd, deſcended; and by whom after the Earl's death, the Premiſſes were enjoy'd, ſubject to the ſaid Jointure of the Counteſs of *Pembroke*.

That the **Records** and **Writs** relating to the Fines and Recoveries are ſo *careleſly* kept in the County of *Glamorgan*; that many of them are *Torn*, *Defac'd*, *Rotten*, *Loſt*, or otherwiſe embezzelled, by the neglect and default of the Officers in the Courts there.

In *Hil. Ter.* 1687. *Tho.* Earl of *Pembroke*, now Lord *Privy Seal*; hoping to take advantage of the Miſpriſion of the Clerks in Entring the ſaid **Fines** and **Recoveries**, or of their negligence in keeping them, brought three ſeveral **Writs** of **Error** to reverſe the firſt **Fine** and both **Recoveries**, which were return'd accordingly.

That upon this occaſion the Counteſs being adviſed, that the miſtakes in the ſaid **Fines** and **Recoveries** were amendable, and that upon a **Writ** of **Error** brought the Court uſually Ordered Amendments to be made, did, by the advice of her Council, move the Juſtices of the Grand Seſſions of *Wales*; That the miſtakes in the ſaid **Fines** and **Recoveries** might be amended, and the ſeveral **Writs** and parts of **Records**, that were *rotten*, *eaten by Vermin or defac'd*, might, *as uſually in like Caſes*, be ſupply'd upon the Teſtimony of Living Witneſſes, who were concern'd in the ſaid **Fine** and **Recoveries**.

That upon this motion, the uſual *Rule* was made for *amending* and *ſupplying* the ſaid Writs, unleſs the Earls Council ſhould at a time appointed ſhow cauſe to the contrary.

That upon hearing of Council on both ſides, and upon ſight of many Precedents of the like Amendments in *Weſtminſter-Hall*, and upon the Opinion of many Eminent Council, and the Oaths of ſeveral Living Witneſſes, That Commiſſions had iſſued, and were returned for the Earls acknowledging the Fine and Recoveries, and that the uſual Writs and Proceedings had been made in proſecuting and perfecting them, and that the Records were kept in a confuſed manner, and in ſuch places, that they were *Rotten*, *Defac'd*, or *Loſt*: And that whatever **Writ**, or part of **Records** was *wanting*, was *rotten* or *eaten* by *Vermin*; ſuch of the Defects, as were uſually amendable, were by Rule of Court amended, or ſupplyed.

Since which Proceedings the amended Records are removed into the King's Bench by **Certiorari**, and by the *Rules* of *Law* the *Errors* cannot be further proceeded in until the Lady *Charlotte* comes of Age.

The Preſent Earl hath now brought a Bill in Parliament, to ſet aſide all theſe Amendments by the Legiſlative Power, and to diſenherit the Heir at Law.

Now foraſmuch as theſe Miſtakes occaſioned by the Miſpriſion or Negligence of the Clerk in making or keeping Records have uſually been amended and ſupplied.

And foraſmuch as many good Laws have been made for the Encouragement of Amendments in the Reigns of ſeveral of their Majeſties Predeceſſors, which do yet ſtand in force.

And foraſmuch as a Common Recovery is favoured in Law, more than any Judgment or Proceedings in any other Real Action: As being a Common Aſſurance made by the mutual Conſent of Parties, and upon which moſt of the *Settlements* in *England*, and the *Titles* of *Purchaſers* do depend, and therefore *hath been, and is uſually* amended and ſupported.

And foraſmuch as this Precedent will be of *fatal* Conſequence to *moſt* of the Eſtates in *England*, and *more eſpecially* in *Wales*, if the *Neglect*, or *Miſpriſion*, or *indirect Acts* of the Clerks ſhall ſet aſide all Titles and Settlements, contrary to the plain Words of the Deeds, and the Teſtimony of many *Witneſſes* yet alive, and the known Conſent and Meaning of the Parties, without any Relief, or Amendment of thoſe Miſtakes: And the rather ſince it cannot be denied, that the **Records** in that County are kept in ſuch Place and Manner, that there are no whole and entire Proceedings in any **Fine** or **Recovery**, ſuffered and levied in that County of Twenty Years ſtanding.

It is therefore humbly Pray'd, That this Bill may not paſs into an Act.

The *CASE* of the Lord *Jeffreys*.

To be heard at the Bar of the House of Lords on *Friday* the 17th of *February*, 1692.

A Liſt of the Names of the Field-Officers, Captains, Lieutenants, and Enſigns in His Majeſties Trained-Bands, in His City of *London*, as they are now Commiſſioned by His Majeſties Commiſſioners of Lieutenancy, for His ſaid City: With the Number of Men in each Company. *October* the 20*th*. 1681.

		Lieutenants.	Enſignes.	Number of Men.
Yellow.	Coll. Sir *Tho. Bludworth*, Kt.	*Richard Brackley*	*John Williams.*	191
Regiment	Leiut. Coll. *John Wallis*	*John Foulke.*	*Thomas Goodman.*	177
I.	Major *Benjamin Harvey.*	*John Hulls.*	*Samuel Carr.*	194
	1 Capt. *Joſ. Broomer.*	*George Jenkins.*	*Walter Acton.*	154
	2 Capt. Sir *William Dodſon*, Kt.	*Joſeph Bell.*	*Joſeph Drake.*	102
	3 Capt. *Richard Green*	*Samuel Mabbs.*	*Tho. Midwinter.*	159
	4 Capt. *Francis Griffith.*	*Charles Wells.*	*Tho. Brown.*	197
	5 Capt. *Henry Strode.*	*William Cooper.*	*Arth. Higgins.*	151
Red.	Coll. Sir *Robert Vyner*, Knight	*Samuel Hankey.*	*Nichaſius Ruſſel.*	103
II.	*and* Barronet.			
	Lieut. Coll. *William Winbery.*	*Henry Minchard.*	*Edward Newins.*	177
	Major *Richard Burdon.*	*Richard Paige.*	*Robert Lekee.*	160
	1 Capt. *James Hudſon.*	*Robart Goddard.*	*Nich. Bibbee.*	201
	2 Capt. *William Abrooke.*	*John Sapcott.*	*James Baily.*	176
	3 Capt. *Edward Chevall.*	*James Goodall.*	*William Alcock.*	171
	4 Capt. *John Mould.*	*Tho. Farrington.*	*Benj. Mould.*	101
	5 Capt. *Edward Shrawley.*	*Benj. How.*	*Tho. Shackbolt.*	200
Green.	Coll. Sir *James Edwards*, Kt.	*James Kelke.*	*William Haywood.*	160
III.	Lieut. Coll. *Adrian Quiney*	*Tho. Bracy.*	*Samuel Knapp.*	197
	Major *Tho. Spencer.*	*Francis Piggott.*	*William Ayliffe.*	154
	1 Capt. *Tho. Hodges.*	*John Hynd.*	*Richard Howes.*	164
	2 Capt. *Dan. Fowle.*	*John Haymes.*	*Maurice Wynne.*	172
	3 Capt. *John Edwards.*	*George Gerrard.*	*George Vincent.*	103
	4 Capt. *John Hillman.*	*John Wood.*	*Richard Cook.*	206
	5 Capt. *John Walkley.*	*Tho. Manwaring.*	*Abra. Trunkett.*	151
Blew.	Coll. Sir *William Prichard* Kt.	*William Woodroffe.*	*John Beverley.*	195
IV.	Lieut. Coll. *Tho. Cowden.*	*Francis Houghton.*	*Francis Wood.*	166
	Major *Richard Peirce.*	*John Palmer.*	*Ralph Benton.*	159
	1 Capt. *John Clark.*	*Henry Yoe.*	*Philip Goodwyn*	142
	2 Capt. *Richard Halford.*	*Richard Bradley.*	*Nich. Ward.*	179
	3 Capt. *John Baker.*	*Robert Silk,*	*Richard Babington.*	149
	4 Capt. *Edward Le-Neve*	*James Park.*	*Henry Daniel.*	173
	5 Capt. *John Shipton.*	*Henry Brown.*	*William Stanton.*	145
Orange.	Coll. Sir *James Smith*, Kt.	*William Richardſon.*	*John Phillipps.*	232
V.	Lieut. Coll. *Edward Becker.*	*Tho. Soulter.*	*Richard Barns.*	155
	Major *Richard Kinſey.*	*Robert Rhodes.*	*Henry Warren.*	152
	1 Capt. *Richard Brigden.*	*Ralph Croſs.*	*Tho. Hartly.*	162
	2 Capt. *Tho. Hammond.*	*Edward Jenkins*	*William Honour.*	150
	3 Capt. *James Shuter.*	*James Pooley.*	*Edward Marſhall.*	175
	4 Capt. *Samuel Roycroft.*	*Bryan Ayliff.*	*George Newland.*	194
	5 Capt. *William Symonds.*	*Humphrey Pickfatt.*	*Edmund Fletcher.*	107
White.	Coll. Sir *John Peake*, Kt.	*Giles Baker.*	*John Bates.*	216
VI.	Lieut. Coll. *John Steventon.*	*Tho. Foreſhoe.*	*Robert Tottey.*	225
	Major *Samuel Putt.*	*Henry Drewett.*	*Tho. Price.*	197
	1 Capt. *Jeremy Gregory.*	*John Dowſe.*	*Richard Hayes.*	200
	2 Capt. *John Ruſſon.*	*John King.*	*John Forreſt.*	229
	3 Capt. *Tho. Blagrave.*	*George Tallis.*	*Robert Green.*	109
	4 Capt. *John Odell.*	*Benjamin Page.*	*John Stracy.*	220
	5 Capt. *John Tempeſt.*	*Peter Carpenter.*	*Hen. Turner.*	104
			Total of the Number.	3079

Vera Copia, et concordat cum originalibus : per me Geo. Evans, *C. L.*

The Aboveſaid Field Officers, and Commiſſioned Officers, are ſworn as the Law directs : Each Commander hath Three Serjeants, who are all likewiſe ſworn ; and all have received the Sacrament conſtantly ; and not for once only to get into Office. Where the Commiſſioners found any perſons to be of that Principle or Practice, they have rejected, and caſhier'd them.

Ita teſtor Geo. Evans, C. L.

A Liſt of the Names of the Field-Officers, Captains, Lieutenants, and Enſigns in His Majeſties Trained-Bands, in His City of *London*, as they are now Commiſſioned by His Majeſties Commiſſioners of Lieutenancy, for His ſaid City: With the Number of Men in each Company. *October* the 20*th*. 1681.

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			Total of the Number.	2079

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Ita teſtor Geo. Evans, C. L.

The CASE of
WILLIAM now Earl of DERBY
Executor of CHARLOTTE KATHERINA SAVAGE Deceaſed,

Only Daughter of Thomas *Lord* Colcheſter *Deceas'd, in aan Appeal Depending before the Right Honourable the Lords Spiritual and Temporal in Parliament Aſſembled, from a Diſmiſſion made in the High Court of* Chancery, *of a Bill Exhibited by* Thomas *Earl* Rivers *Plaintiff, againſt the Earls of* Derby *and* Strafford, Frances Richardſon *Executrix of* John Richardſon, *and* Thomas Munne *Dfendants.*

THomas Lord *Colcheſter* eldeſt Son of the Earl *Rivers* in the life time of *Charles* Earl of *Derby* Father of the now Earl, Married *Charlotte Henrietta* Daughter of Earl *Charles*, and Siſter of the now Earl of *Derby*: And Earl *Charles* pay'd 2850 *l.* part of the Portion in his Life time; And he dying, the now Earl of *Derby* after his Death agreed to pay, and accordingly did pay 4500 *l.* in full. And thereupon.

13. *May*, 78. *John Savage* and *Robert Pickering* Eſquires, by Indentures of Leaſe and Releaſe for the Conſideration therein mentioned, at the Requeſt of the Earl of *Rivers* and *Thomas* Lord *Colcheſter* his Son, Granted and Settled the Mannors of *Chich*, St. *Oſith*, *Great Clacton* and *Little Clacton*, and other Lands and Hereditaments *Comit' Eſſex* upon the Lord *Colcheſter* for Life Remainder as to part, to his Lady for Life in Joynture, Remainder to the Sons of that Marriage in Tail Male; Remainder to the Earl *Rivers* in Tail Male, with Remainder over, Remainder to the Earl *Rivers* right Heirs.

With a Proviſoe, and upon Condition that if the Lord *Colcheſter* and all his Iſſue Male by the Lady *Charlotte* ſhould die, or that for want of Iſſue Male by her, the Premiſſes, or any part thereof, ſhould after his, or her Death remain, or come to any other Heir Male of him, or to any other perſon by force of thoſe Limitations: And that if there ſhould be any Daughter or Daughters of *Thomas* Lord *Colcheſter* on the Body of the Lady *Charlotte* begotten, living at his Death; That then the ſaid Earls of *Derby* and *Strafford*, Mr. *How* and Mr. *Hide* and their Heirs, ſhould ſtand and be Seized of all the ſaid Mannors and Premiſſes, other then except the Premiſſes limited to the Lady *Chorlette* in Joynture, and after her Death: Then thereof likewiſe, to the intent and purpoſe that ſuch Daughter and Daughters ſhould and might receive, perceive and take the Sum of 10000 *l.* out of the Rents, Iſſues, Revenues and Profits thereof (except *ut ſupra*) to the uſe of ſuch one Daughter, if there be but one, and if more, then the 10000 *l.* to be equally divided and diſtributed amongſt them, together with the ſeveral Sums of 100 *l.* a piece yearly for the Maintenance of ſuch Daughter and Daughters, from the Death of their Father, until payment of the ſaid 10000 *l.* which is intended for their Portion and Portions as aforeſaid.

By Vertue whereof the Lord *Colcheſter* became Seized of the Premiſſes, and received the Rents and Profits thereof during his Life; and about *October* 1679. dy'd without Iſſue Male, leaving Iſſue by his ſaid Lady who Survived him, one only Daughter *Charlotte Katherina Savage*, whereby his Lady became Seized of the Joynture, Premiſſes, and the Truſtees of the Reſidue for raiſing the 10000 *l.* and Maintenance.

The Joyntureſs entered and enjoyed her Joynture, and of the Reſidue the ſaid *John Richardſon* being Bayliff or Receiver to the Lord *Colcheſter*, continued to Receive the Profits, and paid the 100 *l. per Annum* Maintenance during his life, and died there, being then in his hands about 387 *l.* 15 *s.* 3 *d.* which came to the hands of his ſaid Executrix.

After his Death, the Earls of *Derby* and *Strafford*, being the ſurviving Truſtees, Authorized the Defendant *Munne* to manage the Eſtate and receive the Profits, and he paid the 100 *l. per Annum* Maintenance during the ſaid *Charlotte Katherina*'s life time, and at her Death had about 140 *l.* 11 *s.* in his hands.

ult. March, 1687. The ſaid *Charlotte Katherina Savage* died without Iſſue and unmarry'd, being of the Age of 17 years and upwards, having after 17 made her Will, and the Earl of *Derby* her Uncle Executor, who proved the Will.

That the Earl *Rivers* upon her Death, entering and denying Poſſeſſion, and Demanding the Moneys in Mrs. *Richardſon* and Mr. *Munn*'s hands, the Earls of *Derby* and *Strafford*, *Michaelmas-Term* 3 *Jac.* 2. brought an Ejectment, and *Hillary* 1687. had Judgment to recover by Confeſſion of the Earl *Rivers*, who,

31 *Jan.* 87. Exhibited his Bill in *Chancery*, ſetting out the Settlement and Proviſo, and that *Charlotte Katherina* dying before 21 and unmarry'd, the Portion was ſunk into the Inheritance, and ought not to be raiſed, and prayed Relief and a reconveyance by the two Earls, and payment to him of the Money in Mrs. *Richardſon* and Mr. *Munn*'s hands. The Defendants Anſwered, and

18 *July* laſt. The Cauſe coming to Hearing before the Lord *Chancellor*, and the Caſe appearing to be *ut ſupera*, and the Queſtion being, whether the ſaid *Charlotte Katherina* being dead before 21 or Marriage, the Money already raiſed towards the 10000 *l.* ſhould be pay'd to the Plaintiff or her Executor, and whether the remainder of the 10000 *l.* ſhould be raiſed and pay'd, or ſink into the Inheritance. And upon long Debate, the Court Declared, That the 10000 *l.* was an Intereſt veſted in *Charlotte Katherina*, and was, and became due and payable as faſt as the ſame could be raiſed after the Death of her Father, and that the Moneys raiſed, and the Reſidue of the 10000 *l.* did belong to, and ought to be raiſed and pay'd to the Earl of *Derby* as Executor, and was not ſunk into the Inheritance. And therefore Diſmiſs'd the Bill.

That afrer this Hearing, the Earls Defendants Sued out a Writ of Poſſeſſion which was executed about *Auguſt* or *September* laſt, and Mrs. *Richardſon* and Mr. *Munne* (who had till then detained it) pay'd the Moneys in their hands, being (after Deduction for the Sheriffs Fees) in all 518 *l.* 10 *s.* to the Earl of *Derby*, which is all has been Received.

And now the Earl *Rivers* has brought his Petition of *Appeal* in Parliament to have the Diſmiſſion in *Chancery* Revers'd, and a Decree made according to his Bill there.

And the Queſtion in General is, Whether the Limitation being only *quouſque*, the 10000 *l.* raiſed, and the *Appellant* both by his Petition and Bill, and the Confeſſion of the Judgment, admits the Law to be againſt him. Whether a pretence of Equity ſhall ſo far interpoſe, as to control the expoſition of Law in this Caſe, and the expreſs Letter of the Deed, no previous agreement being ſo much as alledg'd to make the Deed otherwiſe than as it is Pen'd, nor limitation of any certain term for a ſecurity, nor of time either of Age or Marriage for Payment.

THE

ANSWERS and CASE

OF

Francis VVyvill and Ann his VVife,

To the Petition and Appeal of

Dorothy Hewley,

Exhibited by or on her behalf againſt them, to the Right Honourable the Lords Spiritual and Temporal in Parliament Aſſembled.

THAT the Reſpondent *Anne* was the Daughter of Sir *William Caley*, Baronet, and was about 1667. Married to Mr. *Chriſtopher Hewley*, late of *York* Draper, who was then a Widower, and about the Age of Fifty years,and the Reſpondant *Anne* was then ot about the Age of Twenty years.

That there having been ſeveral Treaties concerning the ſaid Marriage (before the ſame was had): At length it was concluded and agreed upon between the ſaid *Chriſtopher Hewley* and the Relations of the Reſpondant *Anne*, That in conſideration of the ſaid then intended Marriage, and of the Portion which the Reſpondant *Anne* was to have, (and which afterwards the ſaid *Chriſtopher Hewley* had and received) the ſaid *Chriſtopher Hewley* was to ſettle upon her(for her Joynture, and in ſatisfaction of her Dower) Lands, Tenements, and Hereditaments of the clear Yearly value of One hundred and Thirty Pounds for her Life (in caſe the Marriage took effect, and ſhe ſurvived him.) Which Agreement was reduced into Articles under Hand and Seal.

That purſuant to the ſaid Agreement and Articles (and in part of performance thereof) the ſaid *Chriſtopher Hew'y* did (at firſt) ſettle ſome Lands accordingly, but not of near the Yearly value of what he had agreed ſo to Settle: However the ſaid *Chriſtopher Hewley* (to enable him to perform his ſaid Marriage Agreement) afterwards purchaſed other Lands, and (in completion of his ſaid Agreement) Settled thoſe Lands alſo, upon the Reſpondant *Anne* in full of her Joynture, as he ought to have done. All the Lands Settled upon the Reſpondant *Anne* for her Joynture being about One hundred and thirty Pounds *per Annum*, or under.

That the ſaid Mr. *Hewley* had Iſſue (by the Reſpondant *Anne*) Two Daughters, *Viz.* The Appealant *Dorothy* and *Anne*, and no more Children, and died about Twenty years ſince: But the ſaid Mr. *Hewley* (before his Deceaſe) duly made and publiſhed his laſt Will and Teſtament in Writing,) Dated the Seventh of *Auguſt* 1670.) Wherein he mentions and expreſſes the reſpective Annual Values of the Premiſſes to be (in all) One hundred and thirty Pounds *per Annum*, and that he had before that time ſettled and Eſtated all the ſaid Premiſſes on the Reſpondant *Anne* for her Joynture, which though there had been no ſuch Settlement made, had been a good Bequeſt at leaſt in Conſcience, and gave ſeveral Legacies. And the reſidue of his Goods, Chattels, and Perſonal Eſtate (after his Debts, Legacies, and Funerals paid and diſcharged) he thereby gave to the Reſpondant *Anne* whom he made his Sole Executrix; and after his Death ſhe proved his Will, and paid his Debts and Legacies, and afterwards the Reſpondants Intermarried.

That ever after Mr. *Hewley's* Death the Joynture-Lands were quietly enjoyed until the now Appealant was inſtigated to give the Reſpondants diſturbance by bringing Ejectments at Law for recovery of a Moiety of the Joynture-Lands, as ſhe was the one of Mr. *Hewley's* Daughters and Co-Heirs,upon ſuppoſition, that no ſuch Will was made, or that the ſaid *Chriſtopher Hewly* was *Non compas Mentis*, when he made it. To and in which Suites at Law the Appealant was the more encouraged, for that either ſhe or ſome for her had the ſaid Marriage-Articles, and Joynture-Deeds, or well knew that they were loſt, or that the Reſpondants had not the ſame nor could produce them, for relief againſt which Suits at Law, and to have the poſſeſſion of the Reſpondant *Anne* Joynture ſettled, the now Reſpondants Exhibited their Bill into the Honourable Court of *Chancery*.

In which Suit in *Chancery* it was ſo far proceded, That the Cauſe was Heard the Two and Twentieth day of *November* 1689. And then ſolemnly debated by Counſel on both ſides, and it was there then Decreed, that the now Reſpondant *Anne* ſhould hold and enjoy her ſaid Joynture-Lands for her Life, but not to commit Waſt. Which Decree is ſigned and inrolled. That, albeit the Reſpondant *Anne* was in no wiſe obliged thereunto, ſhe (freely and voluntarily) gave and ſecured to the Appealant and her Siſter Five hundred pound, to be paid to them reſpectively in Moieties at their reſpective Ages of Twenty one years or days of Marriage, which will be paid accordingly, and though the Reſpondants expected to have had an Allowance out of the ſame for the Maintenance and Education of the ſaid Daughters (as for ſo much as the Revenues of their other Lands and Eſtate would not extend to ſatisfie) Yet (by a late Decree in the ſaid Court of *Chancery*) they are not to have any other Allowance for ſuch their ſatisfaction, than what hath been raiſed out of the Revenues of the ſaid other Lands, whereby the Reſpondants will be great loſers, they having for many years with great Care and Tenderneſs (and at conſiderable Charges and Expence) Maintained and Educated the Appealant (till ſhe was perſwaded to leave them) and her Siſter.

That the validity of Mr. *Hewley's* ſaid Will and his being of ſane Memory, hath been already judicially determined by proving the ſame in the Court Eccleſiaſtical, as alſo in a Tryal at the Common-Law, where as well the due Making, and Publiſhing of the ſaid Will, as the ſaid Mr. *Hewley's* Sanity of mind at the making thereof, were particularly inſiſted upon and controverted, and the Will, and the Teſtators Sanity of mind (by ſufficient Evidence) proved, and albeit (at the ſaid Tryal at Law) a Special Verdict was found; yet therein the ſaid Will was admitted.

And at the Hearing of the Cauſe in *Chancery*, all the Suggeſtions in the Petition were fully enquired into and examined.

As for the Cuſtom of the Province of *York*, the Reſpondants claim nothing thereby, nor can the Appealant claim any thing thereby as theſe Reſpondants are adviſed.

Whereupon (and upon conſideration of the whole matter) the Reſpondants humbly implore your Lordſhips to be Diſmiſſed, and to have their Coſts occaſioned by this Appeal, and that the ſaid Decree may be confirmed by your Lordſhips.

K. William III., King of Great Britain and Ireland
Biographical and Historical Works relating to William III.

An Exact HISTORY of all the

Glorious Actions of William III. Late King of England.

Being every Years *Tranſactions* from His *Birth* to His *Death*, as it was Preſented to the Univerſities, *Oxford* and *Cambridge*, 1702.

With His Laſt SPEECH He made to the Parliament.

1650. WILLIAM HENRY *de* NASSAU, Prince of *Orange*, was born *November* 4th.
1651. The States-General were his Godfathers, and every one was ambitious of being his Tutor.
1657. His Effigies was made with Three Crowns in *Holland*.
1660. He received K. *Charles* II. very graciouſly at *Breda*.
1666. He was made Head of the Nobility, and Preſident of the States of *Middleburgh*.
1672. He was choſen Governour-General of the States. He drove the French back as far as *Utrecht*. He ſucceeded to all the Offices of his Anceſtors. He took *Wallenburgh* and *Binch*. He refuſed the Sovereignty of *Amſterdam*. He beſieg'd *Woerden* and *Tongres*.
1673. He poſſeſs'd himſelf of *Norden*, *Rhimback*, *Brevil*, *Lechwick* and *Woerden*. He ſeized the County of *Bergen-op-zoom* from the Count d' *Auvergne*. He, with *Monmouth*, took *Bonn* in 8 days time. The Emperor gave him the Title of *Royal Highneſs*. The King of *Spain* called him by the Title of *Royal Highneſs*. He ſubdued *Hardwick-Creutzerw* and *Bommel*.
1674. His Children were declared Hereditaries to his Offices. He confirm'd Peace betwixt *England* and *Holland*. He forc'd the *French* to quit *Nimeguen*, *Utrecht*, *Zutphen*, *Thiel* and *Veſel*. He beſieged *Oudenarden*. He refuſed the Sovereignty of *Guelders*, *Zutphen* and *Arnhem*.
1675. He re-took *Binch* after his Recovery from the Small-pox: He enjoyed the Baronny of *Tornay* and *Sevenbergh*.
1676. He beſieged *Maeſtricht*, where he was wounded.
1677. He relieved *Valenciennes* and *St. Omer*. He faught the *French* at *Mons*. He married *Mary*, his Couſin, eldeſt Daughter to the Duke of *York*.
1678. He attack'd the *French* at *Mons*. He beſieged *Charleroy*. *Lewis* the 14th reſtored him to the Principality of *Orange*.
1682. He moved the States for the Reſtauration of his Lands.
1683. He ſtirred up the *Spaniard* to make War againſt *France*.
1684. He honourably receiv'd the Duke of *York* when he came to ſee him.
1685. He ſent an Embaſſador to *England*, upon the Death of K. *Charles*. He ſent an Embaſſador to King *James* II. on his coming to the Crown.
1688. He made his Proteſtation againſt the Impriſonment of the biſhops, and other Irregularities of K. *James*. He was ſecretly invited to the Relief of diſtreſſed *England*. He fitted out a great Fleet. He diſcover'd his Intention to the States of his Embarking for *England*. He ſet ſail in *Octob.* for *England*. He was forc'd back by a Storm. *Novemb.* 1. he ſet ſail again. *Nov.* 4. he landed in *England* with great Rejoicing. He was Proclaimed in *London*, Deliverer of the Kingdom.
1689. The Parl. being aſſembled, he received Embaſſadors. And *Feb.* 13. he was deſired to accept the Crown of *Great Britain*. *April* 11. he was crown'd King, & *Mary* his Wife Queen of *Great Britain*. The 7. of *May* he declared War againſt *France*. The 17. of *May* he was Proclaim'd King of *Scotland*. He landed in *Ireland* with a conſiderable Army. *Novem.* 4. His Birth Day was kept through his Dominions, and he took Care of Wounded Men, and *Scotland* preſented him with 200000 *l. Sterling*. He Diſtributed 600 Medals of Gold to the Parliament Men: And happily Diſcovered Four Secret Conſpiracies againſt his Sacred Perſon.

The Illuſtrious and Heroick WILLIAM *the Third; of* England, Scotland, France, *and* Ireland, KING; *Defender of the Faith; The Guardian of our Religion, the Champion of all* Chriſtendom, &c.

1690. He landed in *Ireland* with Forty Thouſand Men. He ordered 600 *l. Sterl.* to be given Monthly to the Poor. *July* the 11*th*. he paſſed the *Boyne*, and took *Charlemont* and *Balygarit*. The 13*th* of *July* he won the Battel at *Drogheda*, and carried on the Siege of *Drogeda*, notwithſtanding his being wounded with a Cannon Shot. The 1ſt of *October* he took *Lansborough*. He took *Drogeda*, *Dublin*, *Cork*, *Kingſale* & *Waterford*, & parted from *Ireland* in Triumph. The 18 of *October* the Parliament preſented him with 4 Millions and ſix hundred ſeventy *l. Sterling*. He found out ſeveral Conſpiracies and forgave the Rebels.
1691. He made his Entry at the *Hague* under triumphal Arches. He reaſſumed all his Offices in *Holland*. The 28th of *January*, he preſided at the States of *Holland*, & many Sovereign Princes and Lords paid him Viſits. He held Conferences with Confederate Princes. On the 6th of *April* he conferred the moſt Noble Order of the Garter on the Duke of *Zell*. The 2d of *June* he paſſed *Bruſſels* in his Way to the Army. The 24th of *May* he took *Iriſh Athlone*. The 29th of *June* he took *Engliſh Athlone*. The 13 of *July* he won the Battel of *Agrim*. The 21. of *July* he reduced *Galway*. The 3d. of *October* he took *Limerick* and *Sligo*. The 2d. of *October* he aſſiſted at the Council of State at the *Hague*. On the 19th of *October* he returned triumphantly to *London*.
1692. He beat the *French* Fleet.
1694. He took *Huy*, and bombarded *Calais*, *Dieppe* and *St. Malo*.
1695. He bombarded *Dunkirk* and landed Troops at *Breſt*. On the 29th of *December* died *Mary* the Second, Queen of *Great Britain*. On the 14th of *July* he beſieged *Namur*, and on the 23d of *Auguſt* took it.
1696. A dreadful Conſpiracy againſt his Majeſty was miraculouſly diſcovered, and the pretended Invaſion prevented in *February*. *Charnock*, *King*, *Keys*, *Friend*, *Perkins*, *Rookwood*, *Cranburn* and *Lowick* executed for High Treaſon in *March* and *April*. The Magnificent Entry of the Seignors *Sereno* and *Venier*, Embaſſadors extraordinary from *Venice*, on the 18th of *April*. He embarked the 5th, and landed in *Holland* the 6th of *May*. *July* 5, 6, and 7, he bombarded and laid in Aſhes St. *Martins* in the *Iſle of Rhee*, *Olone* on the *Main*, attacked the Iſles of *Bell*, *Croy*, *Rhee* and *Cardinal*, burnt near 30 Villages, and brought off vaſt Booty and many Priſoners.
1697. By his great Wiſdom, Valour and Conduct, he brought the *French* King to Terms of Accommodation to reſign great part of his Conqueſts by the Treaty of *Reſwick*, and forced him to own his Title to the Crown of *Great Britain* and *Ireland*, in the View of all *Europe*.
1698. He was viſited by the *Czar* of *Muſcovy*; and the ſame Year effected a Peace between the Emperor and the *Turk*.
1700. He entred into Alliances with the Emperor, *Dutch* and other Princes, to reduce the growing power of the *Fr.* King in order to revenge the affront offer'd him in proclaiming the pretended Pr. of *Wales* King of *Great Britain*, &c.
1701. He diſſolv'd his Parliam. and call'd a new one, to whom he made a moſt Gracious Speech, and *March* 8. died, much lamented by all his Subjects.

King *William* the Third His moſt Gracious *Speech* to both Houſes of Parliament, on *Wedneſday* the 31ſt of *December*, 1701.

'*My Lords and Gentlemen*,

'I Promiſe my Self You are Met together full of that Juſt Senſe of the Common Danger of *Europe*, and that Reſentment of the late Proceedings of the *French* King, which has been ſo Fully and Univerſally Expreſt in the Loyal and Seaſonable Addreſſes of my People.——The Owning and Setting up the Pretended Prince of *Wales* for King of *England*, is not only the higheſt Indignity offered to me and the Nation, but does ſo nearly Concern every Man, who has a Regard for the *Proteſtant Religion*, or the preſent and future Quiet and *Happineſs* of his Country, that I need not preſs You to lay it Seriouſly to Heart; and to conſider what further Effectual Means may be Uſed for Securing the *Succeſſion* of the Crown in the *Proteſtant Line*, and Extinguiſhing the Hopes of all *Pretenders*, and their *Open* or *Secret Abettors*.

'By the *French* King's Placing his Grandſon on the Throne of *Spain*, he is in a Condition to Oppreſs the reſt of *Europe*, Unleſs Speedily and Effectual Meaſures be taken.——Under this Pretence, he is become the Real Maſter of the whole *Spaniſh* Monarchy; he has made it to be entirely Depending on *France*, and Diſpoſes of it as of his Own Dominions, and by that means he has Surrounded his Neighbours in ſuch a manner, that tho' the Name of Peace may be ſaid to Continue, yet They are put to the Expence and Inconveniencies of a War.——This muſt Affect *England*, in the neareſt and moſt ſenſible Manner, in reſpect of Our Trade, which will ſoon become Precarious in all the Valuable Branches of it; In reſpect to our Peace and Safety at Home, which We cannot Hope ſhall long Continue; And in reſpect to that Part which *England* ought to take in the Preſervation of the Liberty of *Europe*.——In order to Obviate the General Calamity, with which the reſt of Chriſtendom is Threatned by this Exorbitant Power of *France*, I have Concluded ſeveral Alliances, according to the Encouragement given Me by both Houſes of Parliament, which I will direct ſhall be laid before You, and which I Doubt not You will Enable Me to make Good.——There are ſome other Treaties ſtill depending, that ſhall be likewiſe Communicated to You as ſoon as they are Perfected.——It is fit I ſhould tell You the Eyes of all *Europe* are upon this Parliament; all Matters are at a Stand till Your Reſolutions are Known; and therefore no Time ought to be Loſt.——You have yet an Opportunity by God's Bleſſing, to Secure to You and Your Poſterity the quiet Enjoyment of Your Religion and Liberties, if You are not wanting to Your Selves, but will exert the Antient Vigour of the *Engliſh* Nation.——But I tell You plainly My Opinion is, if You do not lay hold on this Occaſion, you have no Reaſon to Hope for another.——In order to do Your Part, it will be neceſſary to have a great Strength at Sea, and to Provide for the Security of Our Ships in Harbour, and alſo that there be ſuch a Force at Land as is Expected in Proportion to the Forces of our Allies.

Gentlemen of the Houſe of Commons,

I do Recommend theſe Matters to You with that Concern and Earneſtneſs which their Importance Requires. At the ſame time I cannot but Preſs You to take care of the Publick Credit, which cannot be Preſerved but by Keeping Sacred that Maxim, That they ſhall never be Lolers, who Truſt to a Parliamentary Security.—It is always with Regret when I do ask Aids of My People, but You will Obſerve, that I deſire nothing which relates to any Perſonal Expence of Mine.——I am only preſſing You to do all You can for Your own Safety and Honour, at ſo Critical and Dangerous a Time; and am willing that what is Given ſhould be wholly Appropriated to the Purpoſes for which it is intended.——And ſince I am Speaking on this Head, I think it proper to put You in mind, That during the late War, I Ordered the Accounts to be laid Yearly before the Parliament, and alſo gave My Aſſent to ſeveral Bills for Taking the Publick Accounts, That My Subjects might have Satisfaction how the Money given for the War was Applied.

And I am willing That Matter may be put in any further way of Examination, That it may Appear whether there were any Miſapplications and Miſmanagements; or whether the Debt that remains upon Us has really Ariſen from the Supplies, or the Deficiency of the Funds.——I have already told You how neceſſary Diſpatch will be for Carrying on that great Publick Buſineſs, wherein Our Safety, and all that is Valuable to Us, depends.

I hope what time can be ſpared will be Employed about thoſe other very deſirable Things, which I have ſo often Recommended from the Throne, I mean, The Forming ſome good Bills for Employing the Poor, For Encouraging Trade, and, The further Suppreſſing of Vice.

My Lords and Gentlemen,

I Hope You are come together determined to avoid all manner of Diſputes and Differences, and Reſolved to Act with a general and hearty Concurrence for Promoting the Common Cauſe, which alone can make this a happy Seſſion.——I ſhould think it as great a Bleſſing as could befal England, if I could obſerve You as much Inclined to lay aſide thoſe Unhappy Fatal Animoſities, which Divide and Weaken You, as I am Diſpoſed to make all My Subjects Safe and Eaſie as to any, even the Higheſt Offences committed againſt Me.——Let Me Conjure You to Diſappoint the only Hopes of Our Enemies by Your Unanimity.—I have ſhewn, and will always ſhew, how deſirous I am to be the Common Father of all my People.—Do You in like manner lay aſide Parties and Diviſions.——Let there be no other Diſtinction heard of among Us for the Future, but of thoſe who are for the Proteſtant Religion and the preſent Eſtabliſhment, and of thoſe who mean a Popiſh Prince and a French Government.——I will only add this, If You do in good Earneſt deſire to ſee England hold the Balance of Europe, and to be Indeed at the Head of the Proteſtant Intereſt, it will appear by Your right Improving the preſent Opportunity.

FINIS.

LONDON, Printed and Sold by *J. Bradford* at the *Bible* in *Little Britain*, 1702.

WALTER WILLIAMS, And *ELIZABETH* his Wife } APPEALANTS.

RICHARD REED *the Younger*, RESPONDENT.

The Appeal is to be relieved againſt two Decrees, the firſt made by the Lord Keeper *Coventry*, *Anno* 1639. (46 Years ſince) the Second by the Earl of *Nottingham*, late Lord Chancellor, 32 *Car.* II.

The CASE of the RESPONDENT.

10 *Jacob.* *John Reed* ſeized of the two Meadows in queſtion, demiſeth them to *Katharine Reed*, his Siſter, for 99 Years, and after conveys the Inheritance to *Edward Reed*, his Brother. *Katharine* enters, and by Will deviſeth the Profits, being 100 *l. per Annum* in this Manner.

To the Poor of *Breeden* 20 *l. per Annum.*
To *Elinor*, Daughter to her Brother *John Reed* 20 *l. per Annum.*
To *Edward*, her Brother, 15 *l. per annum.*
To her Brother *Foulke Reed* 15 *l. per annum.* And
To her Brother *Richard Reed*, the Elder, 30 *l. per annum*, to whom ſhe gave the Leaſe to diſpoſe of accordingly.
And after the Deceaſe of theſe *Legatees*, ſhe gave the Leaſe to the GENERAL HEIRS.

An. 1639. *Edward Reed* queſtions this Leaſe in *Chancery*, as a Mortgage for 1000 *l.* and it was *Anno* 1639 decreed accordingly, and the 1000 *l.* divided amongſt the Legatees, whereof *Elinor*, now married to *Richard Reed* the younger, was to have 140 *l.* for her ſhare.

1652. And after divers Endeavors to reverſe this Decree (but in vain) *Richard Reed*, the Younger, who had married *Elinor*, who was the GENERAL HEIR of the whole Family, buyes in this Decree of *Edward*, to ſecure the Leaſe to *Elinor* and her Children, and that *Katharine*'s Will might be performed in kind, and paid 250 *l.* for it, and loſt the 140 *l.* which was to come to him by the Decree, which conſidering that *Elinor*, and the other Legatees were all living, was more than the Leaſe was worth.

1652. Afterwards *Richard Reed*, the Elder, who had the Eſtate in Law, aſſigns it to *Richard Brent*, *Ann Brent*, and others in truſt for *William Reed* (Son of *Elinor*, who was now dead) which *William Reed* was then the GENERAL HEIR.

1670. *William*, the Son, aſſigns his Intereſt to *Richard Reed* the Younger (his Father) the now Reſpondent.

Note, *Richard Reed* the Younger, the now Reſpondent, had now both Intereſts in himſelf.

1671. *Richard* the Younger (ſoon after) ſettles the ſaid *William* in Marriage with the Petitioner *Elizabeth*, and thereupon ſettles 500 *l. per Annum* (the beſt of his Eſtate) upon him, and a Joynture of 250 *l. per Annum* to the Petitioner *Elizabeth*.

The Petitioner *Elizabeth*, after the Death of *William*, which was about four Years after, and being his Executrix, not content with her Joynture of 250 *l.* claims this Leaſe againſt this Aſſignment of her late Huſband.

26 *Junii* 32 *Car.* 2. And thereupon aroſe croſs Suits in *Chancery*, upon hearing whereof it was decreed for the Reſpondent *Richard Reed* the Younger, and the Aſſignment of *William* decreed to be good.

22 *April.* 33 *Car.* 2 And upon Re-hearing the Decree is confirmed.

And afterwards a Bill of Review is brought, which upon Hearing was diſmiſs'd.

Oct. 33. *Car.* 2. Then at laſt the now Petitioners do aſſign all their Intereſt in the ſaid two Meadows to the Reſpondent *Richard Reed* the Younger.

All which the Petitioners do endeavor to avoid by this their Appeal upon Suggeſtion.

That the firſt Decree made 46 years ſince was unjuſt, and that all the other Proceedings were in purſuance of that Decree, and therefore to be laid aſide.

To which is Anſwered.

1. That Suggeſtion appeares to be a plain miſtake; for the laſt Decree was chiefly grounded upon the Aſſignment made from *Richard* the Elder to the *Brents*, and from them to *William*, and from him to the Reſpondent *Richard Reed* the Younger, which Aſſignments were made in performance of the Will of *Katharine Reed*, which was made in the year 1623. and not in purſuance of the firſt Decree, but rather contrary to it.

2. The Reſpondent hopeth, that a Decree made in the year 1639, and no Appeal from it in any Parliament ſince that time until now, will be preſumed to be juſt and not diſparaged by the Petitioners, alleadging it to be unjuſt, or ſaying, that the Leaſe was abſolute.

3. But whether that Decree be juſt or unjuſt, it cannot affect this Cauſe: For if it were unjuſt, it was ſo only againſt *William*, who had the legal Intereſt in the Leaſe. But *William* by his Aſſignment made to the Reſpondent *Richard Reed*, (who had purchaſed the benefit of that Decree,) hath purged that wrong, and hath thereby diſabled himſelf and his Executrix from Appealing from it.

4. *Richard Reed* the Reſpondent, in the ſettlement of his own Eſtate of Inheritance upon his Son *William*, at his Marriage gave his Son a recompence to more then ten times the value of this Leaſe.

So the Caſe in ſhort is,

The Leaſe is deviſed to *Richard* the Elder, in truſt (after ſome Annuities for life) for the GENERAL HEIR.

This GENERAL HEIR is *William Reed*, Eldeſt Son of *Elinor*, who was Daughter of *John Reed*, and the Wife of *Richard Reed* the Younger.

This Leaſe *Anno* 1639, is Decreed to be a Mortgage for 1000 l.

Richard the Younger to preſerve this Leaſe for his Family, bought in this Decree and quieted the Eſtate.

Richard Reed the Elder in purſuance of the Will, aſſigns the Leaſe in truſt for *William* the GENERAL HEIR.

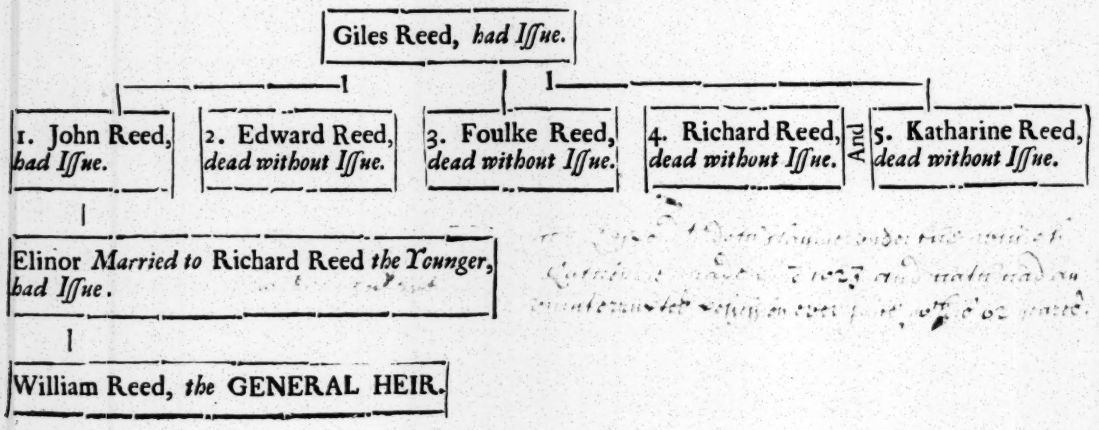
William afterwards aſſigns to *Richard* the Younger (his Father) the now Reſpondent.

So here is a clear Title in Richard *the Younger.*

And *William* hath by his Aſſignment barr'd himſelf, and by conſequence his Executrix from having any Appeal, and both the Eſtates (the legal Eſtate from *Richard* the Elder, and the equity of Redemption by the Decree from *Edward*) are veſted in the Reſpondent *Richard* the Younger.

It is to be obſerved that *Katharine* by her Will, intended to keep this Leaſe in the Name and Family of the *Reeds*, and ſo did *Richard Reed* the Elder, and *Richard Reed* the Younger, and ſo it now continues and is like to do.

And the Petitioners being Strangers, endeavour to wreſt it out of the Family only by Title of Executorſhip, without any other conſideration againſt their own, and her Husbands Acts and Deeds.



TO THE KING
And
BOTH HOUSES OF PARLIAMENT
In PARLIAMENT *Assembled.*

THE *Proposal* contained in this Paper is (with submission) conceived of general advantage to the Kingdom, and thereby sufficiently recommended to obtain admission to present it self before you, whose Providence and Justice secure the Proposer of a readiness to embrace and promote whatever may improve the Welfare of the Publick: 'Tis his part to make the Proposal appear of advantage to your Common-Interest, wherein the welfare of the Publick consists.

THE PROPOSAL.

THAT an *Act of Parliament* may pass for building and fitting out with expedition a Fleet of 500 Busses of about 70 Tuns burthens a piece, to be imploy'd in fishing for Herrings, Cod and Ling, in his *Majesties* Seas; and the profits to be disposed for the increasing of the said Fishing-Vessels to the number of 2000 or thereabouts, as it will be thought necessary; And after the paying of publick debts, and the defraying of all necessary charges, the property of the said Fleet to be setled in the *Crown*.

THE ADVANTAGES.

A *Fleet* of two thousand Busses will imploy yearly at Sea, at 15 Men to a Busse 30000 Men! besides at least 30000 more at Land in the service of the Fleet: It will save the Kingdom 300000 *l. per Annum* paid yearly to the *Dutch* for Fish taken by them in His *Majesties* Seas, and sold to the *English*— besides as much more in Taxes to the Poor. The first year the said 2000 Busses Sails, may (with God's blessing) defray the whole charge of Building, Tackle, Victualling, Fitting out, Officers and Seamens wages for that year, with an *overplus* of 1835033 *l.* 06 *s.* 8 *d.* and will every year after, *Communibus annis*, as long as the Fleet lasts, yield His *Majesty* the clear profit of at least 2644033 *l.* 06 *s.* 08 *d.* Which is demonstrated as followeth:

Fish usually taken in Busse of 70 Tuns, *Communibus annis*, is at least	Herrings 100 last worth *de claro* at least	1000			
	Cod 15000 worth *de claro* at least	0450			
	Ling 10000 worth *de claro* at least	0800			2250 00 00
The *Charge* of a Busse 70 Tuns the first year (ready to be demonstrated) will not exceed	Building, and fitting for sail	0403	10	00.	
	Victualling, and furnishing with lasting and wasting Commodities	0695	18	08.	
	Officers, and Seamen's Wages	0233	01	00.	1332 09 08.
				Remains profit *de claro* each Busse	0917 10 04.
Which for 2000 Busses for the first year will be clear profit					1835033 06 08.

	l.	*s.*	*d.*
Profit of each Busse after the first year as above	2250	00	00.
Charge of Fitting, Victualling, Sallaries and Wages	0928	19	08.
Profit de claro of each Busse	1321	00	04.
Which from 2000 Busses will amount to *per Annum*	2647033	06	8.

This *Fleet* will be a Nursery of Seamen, no less necessary than useful for asserting His *Majesties* Dominion of the Seas, and the Rights of his Crown, in Regulating Trade, against the encroachments of Strangers.

The *Profits* of this *Fleet* will lessen the necessity of *Taxes* for Support of the Government, and will improve the value of Land, and the Wealth of the Nation by saving 200000 pound now yearly exported by the *Hollanders* for Fish bought of them, and by the Importation of Coyn from abroad by Vent of Fish, taken and sold by His *Majesties* Subjects; the *Monopoly* of Fish taken by the *Hollander* in His *Majesties* Seas, being one main support of that Government.

As to Men and Materials for the *Fleet*, there will be sufficient of both, unless Money be wanting to carry on the Design.

1. The *Interest* of the *King* doth concern every particular Person, his undertaking of it is for every Man's advantage; whatsoever he gets thereby saves the Nation so much in their purses: For if the *King* gains as much by this as will maintain his *Crown* and *Dignity*, His *Majesty* may in time come to have the less need of *Parliamentary-Taxes*. He may also alleviate his *Customs* as low as any Nation whatsoever, which will bring the Trade of *Holland*, &c. into this Kingdom, invite all Ingenuous Manufactors into the Nation, as well as rich Men into this Kingdom, and the rest of His *Majesties* Dominions, and also will preserve the Peace of this Nation from being disturbed and violated more than private Persons or Corporative Bodies will or can do in their undertaking of it, who cannot protect the *Fishing-Fleet* from the attemps and injury of Strangers, and may be apt upon evill instigations and discontents to strengthen either domestick or forreign Enemies, with their power both of shipping and Marriners.

2. That Money is wanting is the considerable Objection, and the same that lay in *Columbus* his way; and had it not been removed by supplyes of Men, Money and Ships, adventured by *Spain* upon far less probable grounds of advantage than here are proposed, it had lost to that *Crown*, as it did to this and to the *French*, the first discovery of the *Mynes* in the *Indies*; But this is addressed to His *Majesty* and His *Parliament*, for raising six hundred thousand pounds, whereof one hundred thousand pounds to be imploy'd for Docks, and for Store-houses and Wharfs, adjoyning one to the other, that the goods may be convey'd from the Wharfs to the Store-houses, without the charge of Carting (which said sum will be demonstrated an ample Fund) to carry on and compleat this Design worthy their Encouragement, and reserved by *Providence* (after the weak Essays of former times) to be perfected under the Auspicious Government of the best of *Princes*, and wisest of *Parliaments*, who cannot neither want either power or will to compleat what appears so clearly and eminently advantagious for the publick good and the interest of the Kingdom, and in order thereto to raise the Fund proposed, and to secure the Imployment of it to the use it is designed for.

3. The *Proposers* are ready when commanded to demonstrate at large the facility of bringing the design to effect, the probability and greatness of its advantages when effected, and the necessity of it in order to any considerable Improvement of the Wealth, Strength and Honour of the Nation: And as to the Objection, they doubt not but to clear all can be made against it, except that of the want of six hundred thousand pounds to carry on the *Work*; yet they conceive they have already removed this Objection, by having demonstrated the Return of this *Fund* with so great an encrease into the Publick Coffers, and presented that Demonstration to them who have power to give and lay out the Money proposed, but cannot lay it out to better advantage, for improving their and their Posterities Safety, Honour and Wealth, than by bringing to perfection this *Design*; which is not the Project of a Privat-brain, but *An Enterprize of Publick good*, approved by *Queen Elizabeth*, and upon solemn and mature deliberation, embraced and encouraged by *King James*, *King Charles the First*, and His now *Majesty*, and their several *Privy-Counsels*, and furthered by several *Grants* under the *Great-Seal of England*, in the respective Reigns of the *Princes* last mentioned; And by this present *Parliament* by a Vote of the *Honourable House of COMMONS* 17 *February* 1670: That a *Bill* should be brought in for Encouragement of the *Fishery*.

S. *WATSON*.

S. *WATSON*.

Printed by H. Brugis *in the Year* 1677.

Licensed March *the* 26. Ro. L'Estrange.

THE CASE
OF
CHARLES Earl of BANBURY.

THE Right Honourable *William Knollis*, Created *Lord Knollis* and *Viſcount Wallingford*, and Knight of the moſt Noble Order of the *Garter* by King *James* the *Firſt*; and by Letters Patents of the 18th of *Auguſt* 2 *Car.* 1. Created *Earl* of *Banbury*, To hold to him and the Heirs Males of his Body, with a Clauſe of *Precedence*, to take place next after *Francis* then Earl of *Weſtmerland*, and before *Henry* then Viſcount *Mandevil*, and afterwards Earl of *Mancheſter*.

The ſaid Earl (having no Iſſue by *Dorothy* his firſt Lady) did, after her deceaſe, take to Wife the Lady *Elizabeth*, eldeſt Daughter to the Right Honourable *Thomas* late Earl of *Suffolk*, and they had Iſſue *Edward* Earl of *Banbury*, who dyed without Iſſue, and *Nicholas* late Earl of *Banbury*.

Some Queſtions ariſing in *Parliament* 3 *Caroli*, upon the Clauſe of *Precedence* in the Patent of 2 *Car.* 1. certain Earls did at the King's Requeſt Grant *Precedence* to the then Earl of *Banbury*; but ordered, that he ſhould have that *precedence* during Life only, and not *deſcendable* to his Heirs.

Earl *William* dyed 25 *May* 1632.

Earl *Edward*, his Eldeſt Son, being at the time of his Father's death aged little above five Years, was not ſummoned to any of the *Parliaments* in time of King *Charles* the *Firſt*, nor could rightfully claim to be ſo ſummoned, being under Age, and ſo dyed without Iſſue, as aforeſaid.

Earl *Nicholas* being born *January* 3. 1630. did, after his arrival to full Age, ſit in *Parliament*, Convened in the Twelfth Year of the late King *Charles* the *Second*, at the time of His Majeſties happy Reſtauration.

In the *Parliament* ſummoned in the Thirteenth Year of the late King *Charles* the *Second*, the ſaid Earl *Nicholas*, having received no Writ of Summons to that *Parliament*, Addreſſed himſelf by humble Petition to his ſaid late Majeſty, ſetting forth, in effect, the Matters before expreſſed, and praying that he might be ſummoned by Writ to the ſaid *Parliament*, and enjoy the Priviledge and *Precedency* granted by the ſaid Letters Patents of King *Charles* the *Firſt*.

This Petition being by his Majeſties Appointment delivered to the Houſe of *Peers*, by the Lord Great *Chamberlain* of *England*, was thereupon by them taken into Conſideration, and thereupon referred to the Lords Committees for Priviledges, who were upon hearing the Petitioners Counſel, and the Kings Attorney General to make Report thereof.

The ſaid Lords *Committees* being attended by *Counſel and Witneſſes* on the Petitioners behalf, and alſo by *Mr. Attorney General* for the King, it was fully proved, that the ſaid Earl *Nicholas* was born of the Body of the ſaid *Counteſs Elizabeth*, during the Coverture between her and the ſaid Earl *William*.

Mr. Attorney inſiſted on an *Office* by which it was found in 9 *Caroli*, That the ſaid Earl dyed without Iſſue, and that it was reputed that he ſo dyed.

Whereunto it was inſiſted, That by the *Common Law of the Land*, if the Husband be within the four Seas, and the Wife hath Iſſue, *no proof is to be admitted to prove the Child a Baſtard*. And Mr. *Attorney* did admit the *Law* to be ſo. And moreover, it was proved *Ex abundanti*, That the ſaid Earl *William* was kind and converſant with his Counteſs, and of a good ſtate of Health, uſing to ride abroad Hawking and Hunting, although of great Age.

And by a ſubſequent Inquiſition, found in 17 *Car. primi*, it was found that the ſaid Earl *William* had Iſſue as aforeſaid, (*viz.*) *Edward* the then Earl of *Banbury*, his Son and Heir, *&c.*

Upon the whole matter the Lords Committees came to this Reſolution, after ſeveral Attendances to Report their Opinions, (*viz.*)

That *Nicholas* Earl of *Banbury*, being in the Eye of the Law Son to *William* late Earl of *Banbury*, the Houſe ſhould therefore *adviſe the King* to ſend him a Writ to come to Parliament.

That the ſaid Earl ought to have *place* in the Houſe of Peers, according to the *Date of his Patent*, and not according to the Tenor of that part thereof, which ranketh him before other Earls Created before him.

After thoſe proceedings, and before any final Determination thereupon, the ſaid Earl *Nicholas* (having no Iſſue Male by the Lady *Iſabella*, Daughter of the Right Honourable the late Earl of *Newport*, his firſt Wife) took to Wife *Anne* the Daughter of the Right Honourable the late Lord *Sherrard*, and had Iſſue by her *Charles*, now Earl of *Banbury*, his Eldeſt Son and Heir, and about years ſince dyed, leaving the ſaid *Charles* Earl of *Banbury* an Infant under Age.

The ſaid *Charles* Earl of *Banbury* hath not been *ſummoned* to any of the Parliaments of his late Majeſty King *Charles* the *Second*, and by reaſon of his *Infancy* hath forborn to *Claim* or *Petition* for his Right:

But being now of full Age, and not being *ſummoned*, as other Peers are, hath humbly Petitioned the Houſe of Peers to conſider his *Caſe*, and repreſent the ſame to the King, to the end he may be relieved according to Right.

The *Clauſe* whereby the King granted *Precedence* to Earl *William*, and his Heirs Males, beyond what he would have had by his *Anciency*, and the Date of his Patent, did firſt occaſion the Queſtion touching the enjoyment of his Honour, which perhaps had never been otherwiſe queſtioned at all. But admitting the *Law* therein to be *one* way or *other*, the Honour of the *Earldom* is indubitably *deſcended* on *CHARLES* the now Earl of *Banbury*.

And neither the firſt *Inquiſition*, or any *Opinions* or *Preſumptions* concurring therewith, or founded thereon, are to be received or regarded in prejudice of the *Legal* and Rightful Heir, and the ſtanding Rules of *Law* in Caſes of *Deſcent* and favour of *Legitimation*, upon theſe plain Reaſons.

1. The firſt *Inquiſition* is no Evidence to *conclude* againſt other direct proof of the Fact, made in the Caſe upon *Oath* before the Lords *Committees*, of the Birth of Earl *Nicholas*.

2. The ſecond *Inquiſition* is to the contrary, and doth in effect Anſwer and *Avoid* the former.

3. By Law, no Proofs or Preſumptions whatſoever, ought to be received to *Illegitimate* Iſſue born within Lawful *Wedlock*, while the Parents are both within the *Four Seas*. And in this Caſe, there was, beſides the ſecond *Inquiſition*, Proof of *Actual* Kindneſs and Converſation between the Parents, which the *Law* would *intend*, if not proved.

4. By Law, no man ought to be *Baſtardized* after his Death, when he cannot Anſwer for himſelf.

5. The *Law* doth ſo much favour *Legitimation* of *Iſſue*, That if a *Baſtard*, actually born out of *Wedlock*, became ſeized of an *Inheritance*, and a *Deſcent* thereof to be caſt on his *Iſſue*, even the Right of the Lawful Heir, or *Mulier* (as the Law Terms it) is thereby *barr'd*, and therein that *Deſcent*, from a mans *Iſſue* though *Illegitimate*, doth differ from others.

The now Earl of *Banbury* is unqueſtionably deſcended from Earl *Nicholas*, Actually *Legal* Heir of Earl *William*, in all *Regular Qualifications*, and Entitled to all the favourable *Preſumptions* the *Law* doth afford; And it would be an extraordinary thing, both beſides, and contrary to all common Rules of *Law* and *Juſtice*, to oppoſe a *Legal* Title, upon pretence and *Opinion* of Fact, ſo long ſince paſt, and never *proved*, examined, or brought to *Judgment* in the Lives of the Parties concerned, when themſelves and many other *Honourable* Perſonages of their *Alliance* and Acquaintance might have given Proof and Teſtimony of their knowledge of many *material* Circumſtances and other things now buried with them, and the very truth whereof is become impoſſible to be throughly diſcovered and made out.

The *East-India* Company, Appellants,

Mr. *Attorney General* at the Relation of *Walter Whitfeild, John Earl*, and *Thomas Kilner* } Reſpondents.

The Appellants Caſe.

THE *East-India* Company at their vaſt Charge Eſtabliſhed a Trade to the *East-Indies* very profitable to this Kingdom; And had full Power by their Charter from the two laſt Kings, to make War or Peace with any Heathen Princes within their Limits, as occaſion ſhould require, without any reſervation to the Crown or Lord High Admiral of *England* of the Tenth, or any other part of Prizes.

That the Great *Mogul* unjuſtly began a War againſt the Company, and ſeized their Factories, Servants, and Goods, and murthered ſeveral *Engliſh*, and beſieged their Forts and Caſtles in the *East-Indies*, of which the late King *James* and his Council being informed, his Majeſty was pleaſed to direct the Company (for the Preſervation of their Rights, and the Vindication of the Honour of this Kingdom) to make War againſt the Great *Mogul* and his Subjects; and gave Commiſſions to ſeveral of his Captains of Ships of War to aſſiſt the Company, and obſerve their Orders in the Proſecution of that War: thereby requiring the Captains to take care that the Tenths of all Prizes taken by them in that War, and condemned as lawful Prize, ſhould be ſecured and paid to the ſaid late King.

This War continued ſeveral years, but at laſt a Peace much to the Honour of this Kingdom, was made, whereby all that was detained or ſtopped in the *Indies* during the War on both ſides, and not plundred or deſtroyed, were to be reſtored to each other, and ſuch Goods of the *Mogul's* Subjects as the Company had ſent home, were to be paid for by them, which they have ſince ſatisfied accordingly.

That the whole Expences of that War (which were vaſtly Great) were born by the Company, and the King put to no Charge, and the Tenth of all Prizes in that War taken and condemned in the *East-Indies*, amounting in the whole to 1361 *l.* 13 *s.* 0 *d.* were duly paid into the *Exchequer* upon the Relators Motion.

But the ſaid Relators pretending there were more Prizes taken and condemned then thoſe anſwered to Their Majeſties as aforeſaid, got a Privy-Seal for a Third of the Tenth part of all Prize Goods during that War, and prevailed with Mr. Attorney General, at their Relation, to Exhibit a Bill into the Court of *Exchequer* againſt the Appellants for an Account of all Prize Goods generally, and to have the Tenths of the ſame.

To which Bill the Appellants put in their Anſwer, and inſiſted on ſeveral Matters ariſing in the *Indies* material and neceſſary to be proved, *and upon which their juſt defence depended*; and therefore often moved that Court for a Commiſſion thither to examine their Witneſſes, but were denied the ſame.

That after the Commencement of that Suit, two of the Companies Ships called *Charles* the II. and *New London*, arriving with Goods from the *East Indies*, the Relators upon pretence that thoſe Goods were all or moſt Prize Goods, obtained an Order from the Court of *Exchequer* to carry into Ware-houſes, and open and view the whole Cargoes of both Ships, which they did, diſordering every Bale thereof to the great damage of the Goods, a great part whereof was bought by the Companies Factors in the *East Indies*, and other part belonging to other Merchants, and ſo the Appellants could have proved, and again moved the Court of *Exchequer* upon Affidavits for a Commiſſion to prove the ſame, but were ſtill denied it, though the Proof was put up in term by Mr. Attorney General's replying to their Anſwer, and although the ſaid Court by their Order of the *9th* of *May* laſt, had given the Company time to conſider whether upon their having a Commiſſion they would give Security to abide the Order of that Court on hearing the Cauſe touching the Sum of Money reported due, which was but 9000 *l.* and had afterward offered Security offered by the Company for that purpoſe, yet they could obtain no Commiſſion unleſs the Company would firſt give Security by three ſufficient Perſons in the Sum of 30000 *l.* (being more then three times the Sum reported due) to abide the Order of Court upon Hearing the Cauſe.

That the Appellants being thus denied the liberty of making their juſt Defence; put in exceptions to the Deputy Remembrancer's Report, being thereby (without any ſufficient Proof) charged with 9000 *l.* for Prize Goods as brought home in the ſaid two Ships: but the Exceptions were overruled as to all, ſave 19 Bales of Goods which were ſent to a Tryal at Law, and by a Jury of Knights and Gentlemen at the *Exchequer* Bar, *where it was found that they were not Prize Goods, the* Jeremiah Bonneale, *who was the only poſitive Witneſs againſt the Appellants (on which alone Report was founded)* by his Affidavit and Depoſitions taken in the Cauſe, did ſwear, That the 19 Bales which were by the Verdict found not to be Prize Goods, were Prize Goods as well as the reſt, and ſo his Teſtimony was contradicted by the Verdict as to the 19 Bales; and would have been ſo likewiſe as to the reſt of the Goods, had the Appellants been allowed a Commiſſion as of Right they ought.

After which Tryal the ſaid Cauſe came to Hearing the *29th.* of *November* 1692. And a Decree paſs'd againſt the Appellants for Payment to their Majeſties 940 *l.* for the Tenths of Prize Goods come to their hands in the ſaid two Ships, for all which they could have diſcharged themſelves, had they been allowed a Commiſſion as they ought to have been.

Againſt which Decree, and the denying of a Commiſſion to the Appellants for Examination of their Witneſſes, an Appeal is brought, and the Appellants humbly pray that the Decree may be reverſed for theſe Reaſons.

FIRST, For that the Decree was founded on the Teſtimony of a ſingle Witneſs, who was falſified by a Verdict at Law given in the ſame Court where the Decree was made, and before the ſame Judges; and that in time, before the Decree was pronounced; and ſo, as humbly conceived, could be no good Ground in Equity for a Decree, nor ought a ſingle Witneſs (tho' of good Credit) to be received againſt the Defendants Anſwer, that being contrary to the conſtant Practice and Rules of Equity, and there was no other Witneſs but him, who was falſified by a Verdict at Law to charge the Appellants with the Sum Decreed.

SECONDLY, For that it is of commmon Right, and the conſtant Juſtice of all Courts of Equity, to grant Commiſſions beyond Sea for Examination of Witneſſes there, where the Cauſe of Action ariſeth, and when the Circumſtance of the Caſe requires it, as in this Caſe it was manifeſtly neceſſary, the whole Matter of the Suit ariſing in the *East-Indies*, for without ſuch Commiſſion, it will be impoſſible to examine the Witneſſes in Foreign Parts, and without Proof no Man can defend himſelf; and if the Appellants Witneſſes in the *East-Indies* had been examined, there would have been no colour for any Decree; and therefore it is humbly hoped the Decree ſhall be Reverſed.

THE

CASE

OF THE

East-India Company,

Against

Mr. *Attorney-General*

And the Relators.

To be heard at the Bar of the House of Lords on *Tuesday* 14. of *Feb.* 1692.

K. England. [App - Misc]

An Account of the Principal Officers, Civil *and* Military, *of* ENGLAND, *in the Year* 1697.

The Right Honourable the Lords of His Majesty's most Honourable Privy Council, 47.

1 HIS Royal Highness Prince *George* of *Denmark.*
2 The Lord Archbishop of *Canterbury.*
3 Sir *John Sommers,* Lord Keeper of the Great Seal of *England.*
4 *Thomas* Duke of *Leeds,* Lord President of the Council.
5 *Thomas* Earl of *Pembrooke* and *Montgomery,* Lord Privy Seal.
6 *Henry* Duke of *Norfolk,* Earl-Marshal of *England.*
7 *William* D. of *Devonshire,* Lord Steward of His Majesty's Houshold.
8 *James* Duke of *Ormond.*
9 *Charles* Duke of *Bolton.*
10 *Mainhardt* Duke of *Schonberg.*
11 *Charles* Duke of *Shrewsbury,* Principal Secretary of State.
12 *William* Duke of *Bedford.*
13 *Charles* Marquis of *Winchester.*
14 *Robert* Earl of *Lindsey,* Lord Great Chamberlain of *England.*
15 ~~*Charles* Earl of *Dorset* and *Middlesex,* Lord Chamberlain to His Majesty.~~
16 *Aubery* Earl of *Oxford.*
17 *John* Earl of *Bridgewater.*
18 *Thomas* Earl of *Stamford.*
19 *John* Earl of *Bath.*
20 *Lawrence* Earl of *Rochester.*
21 *William* Earl of *Portland.*
22 *Thomas* Earl of *Faulconberg.*
23 *Ralph* Earl of *Montague.*
24 *Richard* Earl of *Scarborough.*
25 *Francis* Earl of *Bradford.*
26 *Henry* Earl of *Rumney,* Master-General of the Ordnance.
27 *Ford* Earl of *Tankerville.*
28 *Richard* Earl of *Ranelagh.*
29 *Charles* Lord Viscount *Dursley.*
30 *Henry* Lord Bishop of *London.*
31 *Robert* Lord *Lexington.*
32 *Charles* Lord *Cornwallis.*
33 *Sidney* Lord *Godolphin.*
34 *Thomas* Lord *Coningsby.*
35 Sir *John Trevor,* Master of the Rolls.
36 Sir *Robert Howard* Kt.
37 *Peregrine Bertie* Esq; Vice-Chamberlain to His Majesty.
38 *Thomas* Lord *Wharton,* Comptroller of His Majesty's Houshold.
39 Sir *William Trumball* Kt. one of His Majesty's Principal Secretaries of State.
40 *Charles Montague* Esq; Chancellor and Under-Treasurer of the Exchequer.
41 Sir *John Holt* Kt. Lord Chief Justice of the King's Bench.
42 *John* Lord Viscount *Lonsdale.*
43 Sir *Henry Goodrick* Kt. & Bar. Lieutenant General of His Majesty's Ordnance.
44 *Edward Russell* Esq;
45 Sir *Joseph Williamson* Kt.
46 *Hugh Boscowen* Esq;
47 *John Smith* Esq;
Attending } Sir *John Trevor,* Attorney-Gen
Council, } Sir *Jo. Hawles,* Sollicitor-Gen.

Archbishops, 2.
1 Dr. *Tho. Tenison,* Archbishop of *Canterbury*
2 Dr. *John Sharp,* Archbishop of *York.*

The Great Officers of the Crown, 9.
1 Lord Keeper of the Great Seal of *England,* Sir *John Sommers,* Kt.
2 Lord High Treasurer of *England,* at present in Commission.
3 Lord President of the King's Council, *Thomas* Duke of *Leeds.*
4 Lord Privy Seal, *Tho.* Earl of *Pembrocke.*
5 Lord Great Chamberlain, *Robert* Earl of *Lindsey.*
6 Constable of *Windsor*-Castle } *Hen.* Duke
7 Earl-Marshal, } of *Norfolk.*
8 Lord High Admiral, at present in Commission.
9 Groom of the Stole, *William* E. of *Portland,* and Keeper of the Privy Purse.

His Majesty's Principal Secretaries of State, 2.
1 *Charles* Duke of *Shrewsbury.*
2 Sir *William Trumbull.*

The Officers of His Majesty's Houshold, 13.
Ecclesiastical, 3.
1 Dean of the Chapel, *Henry* Lord Bishop of *London.*
2 Clerk of the Closet, Dr. *J. Montague.*
3 Lord Almoner, *William* Lord Bishop of *Litchfeild* and *Coventry.*

Civil, 10.
1 Lord Steward of His Majesty's Houshold, *William* Duke of *Devonshire.*
2 Lord Chamberlain of His Majesty's Houshold, ~~*Charles* Earl of *Dorset* and *Middlesex.*~~
3 Master of the Horse, *Henry de Nassau* Seigneur *Auverquerque.*
4 Treasurer of the Houshold, *Francis* Earl of *Bradford.*
5 Comptroller of the Houshold, Lord *Wharton.*
6 Cofferer, *Francis* Earl of *Bradford.*
7 Master of the Houshold, *Tho. Felton* Esq;
8 Secretary of the Houshold, *B. Cooling* Esq
9 Clerks of the } Sir *William Forester,*
Green-Cloth, } Sir *James Forbus.*
10 Clerks Comptrollers, } *Charles Issaack* Esq; } *Anthony Row* Esq;

Gentlemen of the Bed-Chamber to His Majesty, 11.
1 *William* Earl of *Portland,* Groom of the Stole.
2 *James* Duke of *Ormond.*
3 *Richard* Earl of *Scarborough.*
4 *James* Duke of *Queensbrough.*
5 *Charles* Earl of *Shelkirk.*
6 *Henry* Earl of *Rumney.*
7 ~~*Aubery* Earl of *Oxford.*~~
8 *Algernoon* Earl of *Essex.*
9 Marquis *de Monpoviller.*
10 *Robert* Lord *Lexington.*

Vice-Chamberlain, the Honourable *Peregrine Bertie* Esq;
Keeper of the Privy-Purse, *William* Earl of *Portland.*
Treasurer of the Chamber, *Edward* Lord *Russell.*
Surveyor-General of His Majesty's Works Sir *Christopher Wren.*
Master of the Robes belonging to His Majesty's Person, *Arnold* E. of *Albemarle.*
Master of the Jewel-House, the Honourable *Heneage Mountague* Esq;
Master of the Ceremonies, Sir *Charles Cotterell.*
Master of the Wardrobe, *Ralph* Lord *Mountague.*
Master-Falconer, *Charles* D. of *St. Albans.*

Clerks of the Council.
Sir *John Nicholas* Kt. of the *Bath.*
William Blaithwayte Esq;
Richard Colling Esq;
William Bridgeman Esq;

Clerks of the Privy Seal.
Thomas Watkins Esq;
John Baron Esq;
Thomas Gosling Esq;
Sir *George Peirce* Bar.

Clerks of the Signet.
Sir *John Nicholas* Kt. of the *Bath.*
Sir *William Trumbull* Kt.
Nicholas Morice Esq;
John Gauntlet Esq;

Knight-Marshal, Lord *Villiers.*
Usher of the Black Rod, Sir *Fleetwood Shepherd* Kt.
Sergeant-Porter, *M Hubert* Esq;

Military.
Captain of the Band of Pensioners, *Charles* Duke of *St. Albans.*
Lieutenant of the said Band, *Henry Heringham* Esq;
Standard-Bearer, *James Compton* Esq;
Captain of the Yeomen of the Guard, *Charles* Earl of *Manchester.*
Lieutenants of the } 1 Mr. *Maull.*
said Yeomen, } 2 Mr. *Sayter,* Standard.

Council of Trade.
The Lord Keeper of the Great Seal of *England,* or Lord Chancellor.
The President of the Privy Council.
The Lord Keeper of the Privy Seal.
The First Commissioner of the Treasury.
The First Commissioner of the Admiralty, or Lord High Admiral.
The Principal Secretaries of State.
The Chancellor of the Exchequer for the Time being. And several others; or any Three of them.

They that at present chiefly Act, are,
John Earl of *Bridgewater.*
Thomas Earl of *Stamford.*
Ford Earl of *Tankerville.*
Sir *Philip Meddows.*
John Lock Esq;
William Blaithwayte Esq;
John Pollexfen Esq;
Abraham Hill Esq;

The Judges, and Principal Officers of the Courts of Justice.
And first, Of the King's-Bench, 4.
1 Sir *John Holt* Kt. Lord Chief Justice of *England.*
2 Sir *Thomas Rokeby* Kt.
3 Sir *John Turton* Kt.
4 Sir *Samuel Eyre* Kt.

Of the Common-Pleas, 4.
1 Sir *George Treby* Kt. Lord Chief Justice.
2 Sir *Edward Nevill* Kt.
3
4 Sir *John Powell* Kt.

Of the Exchequer, 4.
1 Sir *Edward Ward* Kt. Lord Chief Baron.
2 Sir *Nicholas Lechmere* Kt.
3 Sir *Littleton Powys* Kt.
4 *John Blencowe* Esq;

Of the High Court of Chancery, 2.
1 Sir *John Somers,* Lord Keeper of the Great Seal.
2 Sir *John Trevor,* Master of the Rolls.

Masters in Chancery, 11.	*King's Sergeants,* 6.
1 Sir *Miles Cook* Kt.	1 *Bond.*
2 Sir *Lac. Wil. Child* Kt.	2 *Wogan.*
3 Sir *John Hoskins* Kt.	3 *Philips.*
4 Sir *John Franklin* Kt.	4 *Gold.*
5 Sir *Rob. Le Gard* Kt.	5 *Lovell.*
6 Sir *Rich. Holford* Kt.	6 *Wright.*
7 Dr. *John Edesbury.*	*King's Council,* 4.
8 *Roger Meridith* Esq;	1 *Coniers.*
9 *Thomas Pitt* Esq;	2 *Barrer.*
10 *John Methwyn* Esq;	3 *Clark.*
11 *Samuel Keck* Esq;	4 *Cooper.*

Sir *Thomas Trevor,* Attorney-General.
Sir *John Hawles,* Sollicitor-General.

The Court of the Dutchy of Lancaster, 13.
1 The Right Honourable *Robert* Lord *Willoughby,* Chancellor.
2 *Edward Northey* Esq; Attorney-General.
3 Sir *John Elwes* Kt. Receiver-General.
4 *John Fanshaw* Esq; Auditor for the North Parts.
5 *John Vanbroug* Esq; Auditor for the South Parts.
6 *Cheek Gerard* Esq; Clerk of the Council.
7 *John Bennet* Esq; Clerk of the Revenues.
8 *Benjamin Ayloffe* Gent. Deputy-Clerk.
9 *John Baker* Gent. Register.
10 *Richard Husband* Gent. } Attorneys.
11 *Thomas Ashton* Gent. }
12 *Richard Cross* Gent. Usher and Messenger of the Dutchy.
13 *Abraham Millon* Gent. Messenger of the County Palatine of *Lancaster.*

Keeper of the Records of State,
Sir *Joseph Williamson* Kt.

The Principal Officers of His Majesty's Revenues. The Chief of which are,
The Lords Commissioners of the Treasury, 4.
1 Sir *Steven Fox* Kt.
2 *Charles Mountague* Esq; Chancellor and Under-Treasurer of the Exchequer.
3 *John Smith* Esq;
4 Sir *Thomas Littleton* Bar.

And under these Lords,
The Commissioners of the Customs, 7.
1 Sir *Robert Clayton* Kt.
2 Sir *Robert Southwell* Kt.
3 *Charles Godolphin* Esq;
4 Sir *Walter Young* Bar.
5 *Benjamin Overton* Esq;
6 *James Chadwick* Esq;
7 *Samuel Clark* Esq;

Commissioners of the Excise, 9.
1 Sir *Stephen Evance* Kt.
2 Sir *John Foche* Kt.
3 *Francis Parry* Esq;
4 *William Strong* Esq;
5 *Edward Clark* Esq;
6 *Foot Onslowe* Esq;
7 *John Danvers* Esq;
8 *Philip Meddowes,* Esq;
9 *Thomas Everard* Esq;
Treasurer, *Charles Duncomb* Esq;

Commissioners for Wine-Licenses, 4.
1 Sir *Stephen Evance* Kt.
2 *William Young* Esq;
3 *Nicholas Fen* Esq;
4 *Thomas Lake* Esq;
Accomptant, *Nathaniel Hunton* Esq;

Commissioners for Paper and Parchment, 7.
1 The Honourable *Christo. Mountague* Esq;
2 *John Stanley* Esq;
3 *Edward Lloyd* Esq;
4 *Henry Cornish* Esq;
5 *James Vandereske* Esq;
6 *Henry Harris* Esq;
7 *James Isaacson* Esq;
Secretary, *William Bridges* Esq;

Commissioners for Hackney-Coaches, 5.
1 *William Congreve* Esq;
2 *Charnock Heron* Esq;
3 *Jos. Blake* Esq;
4 *Thomas Strickland* Esq;
5 *Edward Clarke* Esq;

Commissioners for Glass Bottles, 3.
1 *Daley Thomas* Esq;
2 *Wharfeild* Esq;
3 *John Bowles* Esq;
The same Persons are Commissioners for the Imposition upon Paper.

Commissioners for Registring Sea-men, 5.
1 *John Hill* Esq;
2 *Matthew Aylmer* Esq;
3 *John Tremwell* Esq;
4 *Bing* Esq;
5 *Thomas Baker* Esq;

The Pipe-Office.
The Right Honourable the Lord *Robert Russel,* Clerk of the Pipe.
Peter Frowde Esq; Deputy.
Walter Wallinger Esq; } Secondaries.
Thomas Cole Esq; }
Joseph Cranmer, } Sworn Clerks.
Charles Milborne,
Peter Frowde,
Philip Tallie,
William Wroth,
Charles Horneby,

Tellers of the Exchequer, 4.
1 The Lord *Fitz-Harding.*
2 *Thomas Howard* Esq;
3 *Henry Carew* Esq;
4 *Guy Palmes* Esq;

Lords of the Admiralty, 6.
1 The Honourable *Edward Russell* Esq;
2 *Henry Preistman* Esq;
3 Sir *Robert Rich* Bar.
4 Sir *George Rook* Kt.
5 Sir *John Hublon* Kt.
6 Colonel *James Kendall.*

Admirals, 6.
1 Admiral of the Red,
2 Admiral of the Blue, Sir *Cloudesly Showell.*
3 Vice-Admiral of the Red, Col. *Aimer.*
4 Vice-Adm. of the Blue, *Davy Mitchell* Esq;
5 Reer-Admiral of the Red, the Marquis of *Carmarthen.*
6 Reer-Admiral of the Blue, Capt *Benbow.*
Judge of the Admiralty, Sir *Cha. Hedges.*

Commissioners of the Navy, 10.
1 Sir *Richard Haddock* Kt.
2 *Edward Dummer* Esq;
3 *Charles Sergison* Esq;
4 *Samuel Pett* Esq;
5 *Dennis Lyddall* Esq;
6 *John Hill* Esq;
7 *Thomas Wilshaw* Esq;
8 Sir *Cloudesly Shovell* Kt.
9 *Matthew Aylmer* Esq;
10 *James Southern* Esq;

Secretaries to the Admiralty, 2.
1 *William Bridgeman* Esq;
2 *Josias Burchet* Esq;

Secretaries under the D. of Shrewsbury, 2.
1 *James Vernon* Esq; 2 *Edw. Yard* Esq;
David Edgar Esq; Interpreter.

Secretaries under Sir Will. Trumbull, 3.
1 *Joh. Ellis* Esq; 2 Mr. *Tucker.* 3 Mr. *Stanyan.*

The Principal Officers under the Commissioners of the Navy, 4.
1 Treasurer of the Navy, *Edw. Russell,* Esq;
2 Comptroller, Sir *Richard Haddock* Kt.
3 Surveyor, *Edward Dummer* Esq;
4 Clerk of the Acts,

Commissioners of the Victualling-Office, 5.
1 *Thomas Papillion* Esq;
2 *Humphrey Ayles* Esq;
3 *Simon Main* Esq;
4 *John Ager* Esq;
5 Major *Burrington.*

Commissioners of the Prize-Office, 8.
1 Sir *Roger Langley* Kt.
2 Sir *Jonathan Jenning* Kt.
3 Sir *Edward Ayscough* Kt.
4 Sir *Michael Cole* Kt.
5 *John Parkhurst* Esq;
6 *Robert Murry* Esq;
7 Colonel *John Paschall* Esq;
8 *James Vernon* Esq;

Commissioners of the Transports, 4.
1 *Samuel Atkinson* Esq;
2 *Robert Henly* Esq;
3 *Thomas Hopkins* Esq;
4 *Anthony Duncomb* Esq;

Commissioners for the Sick and Wounded, 5.
1 Dr. *James Welwood.*
2 *Thomas Addison* Esq;
3 *Anthony Sheppard* Esq;
4 *Christopher Kirby* Esq;
5 *David Elder* Esq;

Auditor of the Receipt of the Exchequer.
Sir *Robert Howard.*
Philip Warder Esq; Clerk of the Pell.
John Packer Esq; Usher of the Exchequer.

Auditors of Imprests, 2.
1 *Brook Bridges* Esq;
2 *Thomas Done* Esq;

Auditors of the Revenue, 4.
1 *William Aldworth* Esq;
2 *Parsons* Esq;
3 *Henry Shales* Esq;
4 *Reginald Marriot* Esq;

Governors and Masters of the Trinity-house, 30.
1 Admiral *Russell.*
2 Lord *Lucas.*
3 Earl of *Torrington.*
4 Earl of *Craven.*
5 Earl of *Pembrooke.*
6 Captain *Benbow.*
7 Capt *Sanderson.*
8 Capt. *William Cross.*
9 Capt. *James Cannaway.*
10 Capt. *Robert Fisher.*
11 Capt. *William Gotteridge.*
12 Capt. *John Haslewood.*
13 Capt. *John Jacob.*
14 Capt. *John Bowers.*
15 Capt. *George Chenney.*
16 Capt. *Henry Kerby.*
17 Capt. *Samuel Rutter.*
18 Capt. *St. Michael.*
19 Sir *Henry Sheres.*
20 Capt. *Samuel Atkinson.*
21 Sir *Richard Haddock.*
22 Capt. *John Hill.*
23 *James Southwell* Esq;
24 Capt. *Henry Greenhill.*
25 Capt. *Thomas Wilshaw.*
26 Capt. *Humphrey Ayles.*
27 Sir *Matthew Andrews.*
28 Mr. *Preistman.*
29 Capt. *John Clemens.*
30 Capt. *Roger Paxton.*

Of the Tower of London.
Governor, *Robert* Lord *Lucas.*
Deputy-Governor, Colonel *John Farewell.*

Of the Ordnance therein.
Lieutenant-General of the Ordnance, *Henry* Earl of *Rumney.*
Deputy-Lieutenant-General, Sir *Henry Goodrick* Kt.
Surveyor, *John Charleton* Esq;
Clerk of the Ordnance, *Christopher Musgrave,* Esq;
Store-keeper, *William Meesters* Esq;
Clerk of the Delivery, *James Lowther* Esq;
Treasurer, the Honourable *Charles Bertie* Esq;
Assistant-Surveyor, *William Bolter* Esq;
Keeper of the Records, *William Petit* Esq;

Of the City of London, *the Lord Mayor and Court of Aldermen.*
1 Sir *Edward Clark,* Lord Mayor.
2 Sir *Robert Clayton* Kt. Ald.
3 Sir *John Moore* Kt. Ald.
4 Sir *Wil. Pritchard,* Kt. Ald.
5 Sir *Robert Jefferies,* Kt. Ald.
6 Sir *Thomas Stamp,* Kt. Ald. } Above the Chair.
7 Sir *John Fleet,* Kt. Ald.
8 Sir *Will. Ashurst,* Kt. Ald.
9 Sir *Thomas Lane,* Kt. Ald.
10 Sir *John Hublon,* Kt. Ald.
11 Sir *Salathiel Lovell* Kt. Recorder.
12 Sir *Peter Daniel.* Kt. Ald.
13 Sir *Sam. Dashwood,* Kt. Ald.
14 Sir *John Parsons,* Kt. Ald.
15 Sir *Humph. Edwin,* Kt. Ald.
16 Sir *Francis Child,* Kt. Ald.
17 Sir *Rich. Levit,* Kt. Ald.
18 Sir *Thomas Cook,* Kt. Ald. } Below the Chair.
19 Sir *Thomas Abney,* Kt. Ald.
20 Sir *Will. Hedges,* Kt. Ald.
21 Sir *Joseph Smart,* Kt. Ald.
22 Sir *John Johnson,* Kt. Ald.
23 Sir *Owen Buckingham* Kt. Al
24 Sir *Tho. Rawlinson,* Kt. Ald.
25 *Rob. Beddingfeild,* Esq; Ald.
26 Sir *John Wolfe* Kt. } Sheriffs
27 Sir *Samuel Blewet* Kt. }
Thomas Cuddon Esq; Chamberlain.

Post-house.
Sir *Robert Cotton* Kt. } Post-Masters of
Tho. Frankland Esq; } *England.*
Isaac Manley Esq; Comptroller of the English Office.
Frowd Esq; Comptroller of the Foreign Office.
William Dockwra Esq; Comptroller of the Peny-Post.

Warden of the *Stanaries, John* E. of *Bath.*

His Majesty's Lieutenants of the several Counties of England.
Bedfordshire, *William* Duke of *Bedford.*
Berks, *Henry* Duke of *Norfolk.*
Bucks, *John* Earl of *Bridgwater.*
Cambridgeshire, *William* Duke of *Bedford.*
Cheshire, *Charles* Earl of *Macclesfeild.*
Cornwall, *Charles-Bodvile* Earl of *Radnor.*
Cumberland, *John* Lord *Lonsdale.*
Derbyshire, *William* Duke of *Devonshire.*
Devonshire, *Thomas* Earl of *Stamford.*
Dorsetshire, *John* Earl of *Bristol.*
Durham, *Richard* Earl of *Scarborough.*
Essex, *Aubery* Earl of *Oxford.*
Gloucestershire, *Chr.* Duke of *Shrewsbury.*
Herefordshire, *Charles* Duke of *Shrewsbury.*
Hertfordshire, *Algernon* Earl of *Essex.*
Huntingdonshire, *Cha.* Earl of *Manchester.*
Kent, *Henry* Earl of *Rumney.*
Lancashire, *Charles* Earl of *Macclesfeild.*
Leicestershire, *John* Earl of *Rutland.*
Lincolnshire, *Robert* Earl of *Lindsey.*
London, the Ld Mayor and Lieutenancy.
Middlesex & Southwark, *Wil* D. of *Bedford.*
Monmouthshire, *Thomas* Earl of *Pembrooke.*
Norfolk *Henry* Duke of *Norfolk.*
Northamptonshire, *Charles* E. of *Monmouth.*
Northumberland, *Charles* E. of *Scarborough.*
Nottinghamshire, *John* Duke of *Newcastle.*
Oxon, *James* Earl of *Abingdon.*
Rutlandshire, *Bennet* Lord *Sherrard.*
Salop, *Francis* Earl of *Bradford.*
Somersetshire, *James* Duke of *Ormond.*
Southampton, *Charles* Duke of *Bolton.*
Staffordshire, *William* Lord *Paget.*
Suffolk, *Charles* Lord *Cornwallis.*
Surrey, *Henry* Duke of *Norfolk.*
Sussex, *Charles* Earl of *Dorset* and *Middlesex.*
Tower-Hamlets, *Robert* Lord *Lucas.*
Wales North, *Charles* Duke of *Shrewsbury.*
Wales South, *Thomas* Earl of *Pembrooke.*
Warwickshire, *George* Earl of *Northampton.*
Westmorland, *John* Lord *Lonsdale.*
Wilts, *Thomas* Earl of *Pembrooke.*
Worcestershire, *Charles* Duke of *Shrewsbury.*
Yorkshire, East, West and North Ridings, *Thomas* Duke of *Leeds.*
Under these are Deputy-Lieutenants, who are most of the principal Gentry of each County.

The Officers of the Regiments of Guards.
The First Regiment.
The Right Honourable, *Henry* Earl of *Rumney,* Colonel.
The Honourable Colonel *Wythers,* Lieutenant-Colonel.
The Honourable Col. *Sheimpton,* Major.
Captains, 25.
1 Lieu. Col. *Rouse,* Governor of *Upnor*-Castle
2 Lieut. Col. *Hastings.*
3 Lieut. Col. *Bristoll.*
4 Lieut. Col. *Seymour.*
5 Lieut. Col *King,* Lieutenant-Governor of *Sheerness.*
6 Lieut. Col. *Farewell,* Lieutenant-Governor of the *Tower.*
7 Lieut. Col. *Russell.*
8 Lieut. Col. *Hymes.*
9 Lieut. Col. *Gorsuch.*
10 Lieut. Col. *Primrose.*
11 Lieut. Col. *Johnson.*
12 Lieut. Col *Wilson.*
13 Lieut. Col. Sir *John Delavall.*
14 Lieut. Col. *Morris.*
15 Lieut. Col. *Wheeler.*
16 Lieut. Col. *Montague.*
17 Lieut. Col. *Yelverton.*
18 Lieut. Col. *Ashton.*
19 Lieut. Col. *Evans.*
20 Lieut. Col. *Stroude.*
21 Lieut. Col. *Stanhope.*
22 Lieut. Col. *Coadrington.*
23 Lieut. Col. *Thompson.*
24 Lieut. Col. *Watkins.*
25 Lieut. Col. *Whiteman.*

The Officers of the Cold-Stream *Regiment of Foot-Guards.*
The Right Honourable the Lord *Cutts,* Col.
The Honourable Col. *Matthews,* Lieut. Col.
The Honourable Col. *John Hope,* Major.
Captains, 12.
1 Lieut. Col. *Wilkins.*
2 Lieut. Col. *Matthews.*
3 Lieut. Col. *Bradock.*
4 Lieut. Col. *Clent.*
5 Lieut. Col. ——
6 Lieut. Col. *Edgworth.*
7 Lieut. Col. *Chantrell.*
8 Lieut. Col. *Holmes.*
9 Lieut. Col. *Jones.*
10 Lieut. Col. *Peirce.*
11 Lieut. Col. *Morison.*
12 Lieut. Col. *Ryves.*

The Field-Officers of the Horse-Guards.
The First Troop.
The Right Honourable *Richard* Earl of *Scarborough,* Colonel and Captain.
Lieutenant-Colonel *Staples* } Lieutenants.
Lieutenant-Colonel *Ogleby* }
Major Lord *Raby,* } Cornets.
Major *Morgan,* }

The Second Troop.
His Grace *James* Duke of *Ormond,* Colonel and Captain.
Lieutenant-Colonel *Harvey* } Lieutenants.
Lieutenant-Colonel *Smith* }
Major *Podney,* } Cornets.
Major *Boyle,* }

The Third Troop.
The Right Honourable *Richard* Earl *Rivers,* Colonel and Captain.
Lieutenant-Colonel *Compton* } Lieutenants.
Lieutenant-Colonel *Baynes* }
Major *Bilhe,* } Cornets.
Major Lord *Paston* }

Governors of Countries, Islands, Cities, Towns, Forts and Garisons.
Bahama-Islands, *Nicholas Webb* Esq;
Bermudas, Colonel *Goddard.*
Berwick and Holy-Island, Maj. Gen. *Lanier,* Governor. Col. *Rup. Billingsly,* Lieu Gov.
Calshot-Castle, *William Knapton* Esq;
Carlisle, the Rt. Hon. *Charles* E. of *Carlisle.*
Chester, Colonel *Kirby.*
Dover and the Cinque Ports, the Right Honourable *Henry* Earl of *Rumney.*
Gravesend and Tilbury, the Honourable Brigadeer *Selwin,* Governor. Colonel *St. Clere,* Lieutenant-Governor.
Guernsey, *Christopher* Ld Viscount *Hatton.*
Hull and Block-house, His Grace the Duke of *Leeds,* Governor. *Osborne* Esq; Lieutenant-Governor.
Hurst-Castle, Captain *Pitman.*
Jamaica, Colonel *Beeston.*
Jersey-Island, the Rt Hon. *Thomas* Ld *Jermyn.*
Ireland, the Lords Justices; *viz.* the Earls of *Montrath, Drogheda* and *Gallway.*
Landguard-Fort, *Killegrew* Esq Governor. *Hamerton* Esq; Lieut Gov.
The Leward-Islands, Colonel *Codrington.*
Mary-land, Colonel *Nicholson.*
St. Maws Castle, the Hon. *B Boscawen* Esq;
New-England, Earl of *Bellamont.*
New-Jersey,
New-York, Colonel *Fletcher.*
Pendennis-Castle, Sir *Bevill Greenvill* Kt.
Plimouth and St Nicholas Island, the Honourable Major-General *Trelawny,* Governor. *Henry Hook* Esq; Lieut Gov
Portsmouth, the Hon Major-General *Earle* Governor. *John Gibson* Esq; Lieut. Gov
Sandown-Castle, Colonel *Nott.*
Scilly-Island, *Godolphin* Esq;
Sheerness, Col. *Crawford,* Governor. Col. *King,* Lieutenant-Governor.
Tinmouth, Colonel *Villiers.*
Tower and Tower-Hamlets, the Right Honourable *Robert* Ld *Lucas,* Governor. Colonel *Farewell.* Lieutenant-Governor.
Virginia, Sir *Edmund Andross.*
Upnor Castle, Lieutenant-Colonel *Rouse.*
Isle of Wight, the Lord *Cutts.*
Windsor-Castle, His Grace *Hen* D. of *Norfolk.*

General-Officers.
Commissary-Gen of the Musters, Ld *Walden*
Pay-Master-Gen. *Richard* Earl of *Ranelagh.*
Secretary of War, *William Blaithwayte* Esq;
Judge-Advocate, *George Clark* Esq;
Secretary of the Plantations, *William Blaithwayte* Esq;

Ministers at Foreign Courts.
Plenipotentiaries for the Treaty of a General Peace, 4.
1 *Thomas* Earl of *Pembrooke* and *Montgomery.*
2 *Robert* Lord *Lexington.*
3 *Edward* Lord Viscount *Villiers.*
4 Sir *Joseph Williamson* Kt.

Ambassador.
William Lord *Paget,* at *Constantinople.*

Envoys Extraordinary.
The Lord *Villiers,* at the *Hague.*
The Lord *Lexington,* at *Vienna.*
Alexander Stanhope Esq; at *Madrid.*
Count *de Frize,* Envoy to the Pr. of *Baden.*
J. Methwyn Jun. Esq; at *Lisbon.*
George Stepney Esq; Envoy to the four Electors upon the *Rhine,* and to the Landtgrave of *Hesse.*
James Cressett Esq; at *Zell.*

Residents.
Sir *Paul Ricaut,* at *Hamburgh.*
Mr. *Robinson,* at *Stockholme.*

LONDON, Printed for *Abel Roper,* at the *Black Boy,* over against St. *Dunstan's* Church, in *Fleet-street,* 1697.

The Heads of the Judges Arguments for the Deceaſed Duke of *Norfolk*, in the Caſe between him and his Brother Mr. *Charles Howard*, with ſome Obſervations on the Lord Chancellor *Nottingham*'s Arguments.

THE Judges all agreed that the Limitation to *Charles Howard* was a void Limitation of the Truſt; and that the Bill ought to be diſmiſſed, grounding their opinions on the following Reaſons.

1. All the Truſt of the whole Term was veſted in *Henry* by the Limitation of it to him and the Heirs Males of his Body, which in Law is a Diſpoſition of the whole Intereſt: ſuch a Truſt being indeed greater in its nature, than a Term of years is capable of, in regard it cannot go to Heirs Males, but therefore hath been often reſolved to contain the whole Intereſt. And where a term for years is under ſuch a Limitation that will admit no Remainder, there can be no Contingent Remainder limited of ſuch a Term; and to make that Limitation which could not be effectual by the Rules of Law, as a Remainder to take effect by calling it a ſpringing uſe, is but a Quibble too light to have the countenance of the Law.

2. It's contrary to the Rules of Law, to limit an Intereſt either in Law or Equity of a Term, to take effect after any ones dying without Iſſue of his Body, and of a dangerous Conſequence; for it would tend to make Perpetuities and fetter Eſtates: inaſmuch as it is allowed of all hands, that if there can be ſuch a Limitation by Law, allowed after a dying without Iſſue Male, there is no poſſibility of docking or deſtroying the Intereſts that are under ſuch Limitations; ſo that ſuch Eſtates can never be ſold or parted with, no Recoveries reaching them, nor no Method in the Law nor poſſibility to do it, which would make Eſtates ſtagnate in a Family, and diſcourage all Ingenuity and Induſtry, which the Law perfectly abhors——And this the Lord Chancellor allows in his Arguments in this Caſe in his third Concluſion. And it mends not the matter, to ſay that this is under a Limitation of *Thomas* his dying without Iſſue in the Life of *Henry*; for

3. This is a ſtretch farther than ever before was endeavoured, the Judges have gone as far as is fit in indulging mens diſpoſitions of Terms to take effects by Limitations after Lives——If this Limitation ſhould be admitted (if *Thomas* dye without Iſſue in the Life of *Henry*, then the next ſtrain would be to limit a Term over upon ones dying without Iſſue during the Lives of two or three, and then of twenty men: and then if he ſhould dye without Iſſue within ſeven years, for that is equal to a Life, and then within twenty years, then why not within a hundred years, and then why not within a thouſand, or during the term, *&c.* for all theſe are leſs Intereſts in the eye of the Law, than a Freehold, and where ſhould we end or ſtop; for it muſt be confeſſed that there is the ſame reaſon for all theſe, as it was by experience found upon the Judgment of *Mathew Manning*'s Caſe, when it was once allowed that a term for years might be limited to one, and if he died within the term then to another; it was ſoon found that there was the ſame reaſon to allow a Limitation of it after two as twenty Lives, which hath been the occaſion of Fettering Eſtates exceedingly by ſuch Limitations of terms to take effect after Lives, and made the Judges often repine at that Judgment, and declare that if it were now a new Caſe, ſince they have ſeen the Inconveniencies of it) it would never have been ſo adjudged. So *Bridgeman* in the Caſe of *Grigg* and *Hopkins*. *Siderfin*'s Report fo. 37.

3. Note, the Lord Chancellor (finding himſelf pincht with this Reaſon, in his Argument indeavours to anſwer it by ſaying, he would ſtop any where when he ſhould find an Inconvenience by allowing ſuch a Limitation, which is a poor Evaſion, and the Judges conceived would be too late when it ſhould have gained the Countenance of ſuch a ſolemn Precedent and Reſolution, and conceived it more agreeable to the Prudence and Policy of the Law, to prevent ſuch Inconveniences when foreſeen, than to diſtinguiſh ones ſelf out of them, or retract opinions by a (*non putavem.*)

4. It's agreed on all hands that there is the ſame reaſon and ground of allowing Limitations of terms for years at Law, as there is for allowing Limitations of truſts of terms for years in Equity and no other: Now there hath never been any Judgment that the Limitation of a Term to one, after anothers dying without Iſſue was good—It hath been often endeavoured, and (if it could have gained the Precedent of ſuch a ſolemn Reſolution) would no doubt of it, be too often practiced. But it hath always been diſallowed, and many Judgments againſt it——*Leventhorp* and *Aſhby Paſc.* 11 *Car.* 1. in *B. Reg.* Rolles 611. *Sanders* and *Corniſh* Rolles 611, 612. Rolles 2. Rep. 1 Cro. *Backhurſt* and *Bellinghams* Caſe. *Mod. Rep.* 115. and *Burgis* Caſe there reported.

And *Child* and *Bayley*'s Caſe *Trin.* 15. *Jac. Rot.* 183. in *Banc. Reg.* which is a Judgment in the very Point——*William Heath* being poſſeſſed of a term for 76. years, by his Will deviſed it to his Wife, and afterwards to *William* his Son, provided that if *William* his Son ſhould dye without Iſſue of his body then living at the time of his death, then *Thomas* his eldeſt Son ſhould have the term; *William* did dye without Iſſue, living *Thomas*, yet *Thomas* could not have the term, becauſe the whole Court of Kings-Bench adjudged that the Limitation to *Thomas* after the death of *William* without Iſſue (tho this Contingent was confin'd to a Life, as here it is) was void, for the reaſon before mentioned. And this Judgment afterwards affirmed in a Writ of Error in the Exchequer Chamber, by all the Judges of the Common Pleas and Barons of the Exchequer, ſo that it was a ſolemn Judgment of all the Judges of *England*, and which alone were enough to rule the Caſe in queſtion.

Yet the Lord Chancellor Decreed this Limitation to *Charles* to be a good Limitation, and that he ſhould hold the Barony during the reſidue of the term, and have an account of the Profits thereof from the death of Duke *Thomas*. Declaring his reaſons to be as followeth.

1. Note this is true, but it doth not follow that he may diſpoſe them contrary to the Rule of Law.

1. Some men have no Eſtates but Terms of years; and he that hath a term of years, hath as much right to diſpoſe of it, as he that hath a Fee-Simple.

2. Note this hath no weight, for many words are oft inſerted in Settlements that are idle; and operate nothing, and theſe are not the only words in this that are idle, for the Lord Chancellor allows here, that the Limitation to *Edward* and all after him are void.

2. Unleſs theſe words (if *Thomas* dye without Iſſue in the Life of *Henry*) have the effect of excepting this out of the common Caſes of limitting terms over upon ones dying without Iſſue——The words are idle and of no effect.

3. This is ſo weak a Reaſon, that it requires no anſwer.

3. This might have been done in another way (*viz.* by making the firſt term to ceaſe upon this Contingency, and limitting a new one to *Charles*) and therefore ſhall be taken to be good this way.

4. This anſwered in the Judges third Reaſon *ſupr.*

4. That the meanneſs of a Term for years or Chattel Intereſt, is not to be regarded in Limitations of it.——It was at firſt diſputed, whether it might be limited over, after a Life, and ſome opinions againſt it: but that afterwards obtained; and though the Judges would not allow a Limitation of it over after a dying without Iſſue; but he ſaw no Reaſon why it might not be allowed after a dying without Iſſue in ſuch a ones Life; for that is but equal to a Limitation after a Life.

Note, this Caſe of *Child* and *Baly* was adjudged by all the Judges of *England*, Firſt in the King's Bench, and then in the Exchequer Chamber, and hath been approved and cited by many Judges in many Caſes ſince, and made the ground of ſeveral Judgments, and never denied for Law, as in *Love* and *Windham*, and *Grigg* and *Hopkins*, and other Caſes, till now by the Lord Chancellor, being thus hard put to it to maintain this opinion of his.

Then the Lord Chancellor ſeeks to evade the Caſe of *Child* and *Baylie*, by making ſeveral diſtinctions between that and the Caſe in queſtion, which it's plain that he himſelf look'd upon but as frivolous, and ſaw there was no real difference between them; and therefore to fortifie his own Reſolution, he is driven at laſt in plain downright terms to deny it to be Law, calling it a ſingle Reſolution, that never had any like it before or ſince.

Note, this touches not this Caſe of the Duke of *Norfolk*, for there *John* never had any Limitation took effect at all, for it was to commence upon condition, which never happened; ſo it was all one, as if there had been no Limitation at all.

And he oppoſes to this Reſolution in *Child* and *Baylie*'s Caſe, two other Caſes; the one of *Heath* and *Cotton*, (which is nothing to the purpoſe, there being no Limitation after a dying without Iſſue, but only after a Death) the other of *Wood* and *Sanders*; where a Term is limited to the Father for his Life; then to the Mother for hers; then if *John* ſurvive his Father and Mother, to him; and if he die in their Lives, and leave Iſſue, to his Iſſue; if he die without Iſſue in their Lives time, then to *Edward* his Brother; he died in their Lives time without Iſſue, and holdeth that the Limitation to *Edward* was good.

Nevertheleſs the Lord Chancellor made ſuch a Decree, That *Charles* ſhould hold the Land during the reſidue of the term; urging further for his ſo doing, that it was the Will of *Hen. Frederick*, Father of the Plaintiff and Defendant, who was owner of the Eſtate; and therefore that it was equitable and juſt to decree that ſhould go accordingly; not allowing that mens Wills and Intentions are to be bounded by the Rules of Law, and no farther to prevail, than the Methods and Rules of Law warrant them.

There being afterwards a Bill of Review brought upon this Decree, before the now Lord Keeper; and his Lordſhip finding the ſaid Decree grounded upon great Miſtakes, and likely to be a ground it ſelf of great Inconveniency, did reverſe the ſaid Decree, as being erroneous, and againſt Law, and diſmiſſed the ſaid *Charles Howard*'s Bill.

Whereupon the Appeal is now brought in the Lords Houſe

The CASE *of the King and Queen Dowager, by their Atturnies the Lord Privy Seal, the Earl of* Chesterfield, *the Lord Chief Baron* Mountague, *the King and Queen Dowagers surviving trustes* Thomas Eyre *Esq; and* George Shaw *Gent. Respondents to the Petition of* Thomas Eyre, William Ing, Henry Balgay *Esquires, and other Appealants.*

KING *Charles* the First of ever blessed Memory, in the Tenth Year of His Reign, was seized of the Forrest of *High Peak* in the County of *Darby*, then and before, plentifully stored with Red Deer, that there were Forresters there, and the Forrest Laws continually put in execution; That the Freeholders and Tenants of the several Towns within the said Forrest, *viz.* of *Bowden*, *Middle-cale*, *Chappel* in *le Frith*, *Shalcross*, *Fairfeild*, *Fernaly*, *Castleton*, *Mellor*, *Hope*, *Bradwell*, and *Wormhill*, finding themselves much aggreived, not only with the Deer by eating up their Corn and Grass, but also with the Severity of the Laws of the said Forrest, did Petition His said Majesty to destroy the said Forrest, and improve his Wasts and Commons there, which were very large, whereupon the King was most Graciously pleased to condescend to the destruction of the same, to which purpose he issued forth his Commission out of His Dutchy, to enquire as well of His as of the Tenants claimes within the said Forrest, with power to the Sheriff to Impanual Juries, and likewise Power to swear them to that purpose, and instructions were annexed to the said Commission, what particulars should be given in Charge to the Jury; and one Jury did present that the King might reasonably improve one Moyety of the Wasts within the said Forrest, after which Presentment Mr. *Woodroff* a Counceller at Law of the *Inner Temple*, who lived in *Hope* aforesaid, and had Land in *Hope* and *Bradwell* aforesaid, worth 400 *l. per Annum*, was entrusted by all the other the said Towns, as well as *Hope* and *Bradwell*, to mannage all their Affairs concerning their improving the said Commons, with the Lord *Newburgh* then Chancellor of the Dutchy; and in the Year 1639 as appears by the said Mr. *Woodroffs* Letter, the Lord *Newburgh* directed Agents should be sent up, to Treat and Agree with his Lordship for the Commons, which accordingly was done, and all the said Towns sent up their respective Agents, and the Towns of *Hope* and *Bradwell*, did then particularly Employ and Entrust for the purposes aforesaid, the said Mr. *Woodroff*, and one *Thomas Eyre* of *Shatton*, whose Charges were born by the said Towns, and the Town of *Wormhill* did send up and entrust one *Randell Brock* then Servant to *Rowland Eyre* Esq; and one *Thomas Herroyd* whose Charges were likewise born by that Town, and all the several Agents for the respective Towns within the said Forrest for which they were entrusted, did Consent and Agree, that His then Majesty should have a Moyety of their Wasts, at which time the Agents for *Bowden*, *Middle-cale*, did Contract and Agree for the Kings Moyety within them for a Fine and Yearly Rent, all the said Commons were Surveyed, and most of them divided into Two equal parts, one for His then Majesty, and the other for the Tenants; before the said Agents were sent to treat with the then Chancellor for the purpose aforesaid, and the Agents for the Towns within the said Forrest having all Agreed and Consented that the King should have one Moyety of the Commons, and *Bowden Middle-cale* having Contracted for the Kings Moyety within them, His then Majesty being on His part to destroy the said Forrest, accordingly did destroy the same, and any Person after the first Days Hunting had liberty to kill Deer there, and the Forresters from the remote parts of the said Forrest did fetch in the Deer into the Campain or the plain part of the Forrest that they might the more easily there be killed and utterly destroyed, and His Majesty having performed what on His part was to be done, and presently after that the late horrid Rebellion broke out, which put a stop to His then Majesties Improving or Farming His Moyety of the said Commons, and the now Appealants ever since that time do enjoy all the Profits of the said Commons, as well the Kings as their own part, so that His said late Majesty never received any Profit or Compensation for the destruction of His Forrest, all which proceedings as aforesaid being transacted at the then Chancellors House, most of the Records relating to that matter, are either lost or mislaid.

And to prevent all just Accusations of a project or surprize of the Country, the Relator *Eyre* did not make his discovery until His late Majesty King *Charles* the Second of ever blessed Memory had happily been restored Fourteen Years, and then obtained Grants from the Queen Dowager, of the said Moyety belonging to the Crown, being part of Her said Majesties Joincture under a Yearly Rent, with a clause of Determination in the Grant for non-payment of the Rent, and likewise obtained a Grant of the reversion from His said late Majesty King *Charles* the Second, and then the Relator *Eyre* entred upon the same, and the Freeholders in all as well as in these Towns of *Bradwell*, *Hope*, and *Wormhill*, did deny the Kings Right, the King having long ago made very great improvements so that they have not sufficient Common for their Cattle and claimed all to be their own but the Soyle, Whereupon Mr. Attorny General of the Dutchy by the Relation of *Thomas Eyre* the said Patente, in the Year 1674 exhibited an Information, against the Inhabitants of *Bowden*, *Middle-cale*, and after a long Suit upon very good proof of all the matter before recited did
In June 79. obtain a Decree for the Kings Moyety whithin that Town, and on re-hearing the same Cause the Decree was confirmed, after which the King and now Queen Dowager by their Attornies the now Lord Privy Seal, the Earl of *Chesterfeild*, the Lord Chief Baron *Mountague*, the King and Queens surviving Trustees, the Relator *Eyre*, and *George Shaw*, exhibited another Information against all the Freeholders in the Towns of *Castleton*, *Mellor*, *Chappel* in *le Frith*, *Shalcross*, *Fairfeild*, *Fernaly*, *Hope*, *Bradwell*, and *Wormhill*, which Information was to the same effect as the former, and after another long and tedious Suit, upon the very same proofs as in
In Feb. 82. the former Suit obtained a Decree, which upon a re-hearing was likewise confirmed, and the now Appealants *William Ing*, *Thomas Eyre*, *Henry Balgay*, &c. were all served with Privy Seals out of the Dutchy Court but did not appear, but stood in contempt till after the Decree upon the said last mentioned Information wherein they were named parties, knowing the Kings evidence, whereby they might prepare crose Interrogatories thereby to pussel the Kings aged Witnesses, and likewise counter prove their Testimonies by the help of leading Interrogatories, then came and prayed that they might be heard. Whereupon a Third Information was
In June 84. exhibited against them, and after several hearings obtained a Decree for the Kings Moyety within the Towns of *Hope*, *Bradwel*, and *Wormhill*, which Decree last mentioned upon re-hearing was confirmed; These Three Towns which now Complain are the best Land, and did lie in most of the spoyle of the Deer, would have all those Towns as *Bowden*, *Middle-cale*, *Mellor*, *Shalcross*, which are very Barren and Boggy Land to be bound by the Agreement, and theirs being the best Land to be unconcerned, and would after Forty six Years, the Deer being destroyed as aforesaid in execution of the said Agreement on the Kings part, and the King having performed His part of the said Agreement, and so in proof they endeavour to compel His Majesty to try this Agreement at Law made Forty six Years since, and by such Tryal upon an improvement design to overthrow the said Decree so solemnly made in a matter properly examinable and determinable in Equity, in the said Court of Dutchy, being the Kings Court of Revenue as well as a Court of Equity, having proper Jurisdiction of the said Cause, and having so deliberately heard and determined the same. And by the King and Queens Prerogative they may try their Cause in what Court they please, and not be prescribed to their Court or the manner of their proceeding by the defendant to their Suit.

These Appellants do alleage that they have differenced their Case from the other Case, and the reason not the same, for an improvement here, there having been some Hundred years ago, many great improvements made within them, (*viz.*) within *Hope*, and *Bradwel*, hath been improved a great parcel of Ground called the *Woodlands* or *Croekhill*, another piece called *Edal*. And within *Wormhill* hath been improved a piece of Land called the *Campaign*, the over end, and *Green Fairfeild*, and so by those improvements they have not Common left sufficient for their Commonable Cattle, and so would insinuate that the now improvement ought to be upon no other ground or reason but upon surplus of Common.

All the Defendants in the Information against the Freeholders of *Bowden*, *Middle-cale*, where the Commons are very Barren, did by their Answers say, That the Kings and Queens of *England*, and Dukes of *Lancaster*, had made so great Improvements within them that they had not sufficient Common left, and no reason for another Improvement now, and did set forth, that divers great parcels of Land to a considerable Yearly value were improved (*viz.*) *Chenly* or *Maidstone Feild*, *Shellse*, *Comes* and *Twarden*.

And all the Defendants to the Information against *Chappel* in *le Frith*, *Mellar*, *Shalcross*, *Fairfield*, *Fernaly*, *Castleton*, *Hope*, *Bradwell*, *Wormhill*, did by their Answers use the same Argument for themselves, and said that the *Campaign*, and all the *Woodlands*, the over end, and *Green Fairfield* were taken from them, and so no Surplus of Common nor sufficient left for their Cattle.

The Defendants to all the said Informations have used the same Argument as aforesaid, and so overlook the consideration of the Kings destroying His Forrest, as not valuable to them, and their inclosed Lands freed from the Forrest Laws, as not considerable.

All the said Improved Lands were severalties in many parts of the Forrest for to fat the Kings Deer, and no Man claimed or had any Common there, but Cattle were agested there to feed amongst the Deer, as the Forresters saw occasion.

And although all the said severalties are now Granted in Fefarm, yet are not by the Grants thereof De-afforrested, or the Kings Deer hindred from their quiet feeding thereon as formerly.

A Welsh-mans Answer to a Paper Entitled, *The Case of their Majesties Subjects in the Principality of* Wales, *in respect of the Court held before the President and Council in the Marches of* Wales.

THE Case in the first Paragraph of it, tells us a pretty Story of the Original cause of Erecting the Court in the Marches, of which, I must needs admit, that there is no doubt of it, (as the Author is fond to have the World believe,) but that it is the happy Invention of his own soft Brain, for I am sure the thing is not so of his own knowledge, for he was not then born, neither doth he cite any Author from whence he received his Information.

It tells us also, that the Court never held any Pleas in any Civil Actions, until after the Erecting of the Court of Star-Chamber.

This Information leaves us as much in the dark, as to the time when the Court first held Pleas in Civil Actions, as if he had said nothing; for to tell us that the Court never held Pleas in Civil Actions, until after the erecting of the Court of Star-Chamber, and not to tell us when the Court of Star-Chamber was erected, I am sure is no Welsh way of Demonstration, where-ever our Author learned it, my Country-men being generally more Ingenious.

My Author tells me, that *Wales* (which was once all that Tract of Ground on the West side of *Severne*) was a separate Kingdom from *England* for many Generations, and though it might be at times sub-divided within it self into many inferior and subordinate Principalities, yet the Greatest and Predominant Prince was always accounted King and Sovereign of *Wales*, the last of which was *Lewelin* who was overcome and slain in Battel by King *Edward* the First; and thereupon in order to have and preserve a perfect Submission of the Welsh to the Crown of *England*, King *Edward* was desirous to have one General English Vicegerent over the whole Body of the Welsh, but this they mainly opposed: Whereupon the King sent his Queen, being Great with Child, to *Carnarvan*, where she was Delivered of a Son; upon the News whereof, the King assembled the Welsh Lords, and offered to name them a Governour which could not speak one word of English, and whose Life no Man could charge with any Misbehaviour.

To this they all agreed, and Swore to obey such a one; which being done, the King Named his Young Son *Edward*, since which time our Kings Eldest Sons have been Princes of *Wales*; and whenever any of them came into that Country, they fix'd their Court at *Ludlow*, where the said Court before the President and Council is kept, to the end, says my Author, that by their Presence they might both satisfie and keep in order the Welsh-men, which could not be without a Court of Justice to determine their Civil Rights. And that this is the true State of the Case, as to the Constitution of *Wales*, see *Heylin's Cosm.* Lib. 1. from 275. to 281.

The Principality of *Wales* is such a flower of the Crown of *England*, as therewith our Kings have opportunity of obliging their Eldest Sons; and our neighbour Kings have the like conveniency, *Spain* hath *Asturias*, and *France* the Country of *Dauphin* for the same purpose, and for that reason, if there were no other, I conceive the Principality of *Wales* ought to be preserved in all its Grandeur and Priviledges, and to separate the Courts of Justice far from the Courts Royal of Princes, doth much Eclipse their Lustre.

Now, to any man that considers how general a Practice it is, that where Vicegerents or Lieutenants to Kings are Resident, that for the most part there are there also Courts of Justice of General Jurisdiction that extend over all that Dominion, as well in Civil as Criminal Matters: I say to such a Man, it will seem very probable that there always was such a Court at *Ludlow*, at least since there was first a Prince of *Wales*; unless it be plainly proved to the contrary out of some good Author of those times, and how well the Author of the Case hath done it, let us see what he says further.

The Case tells us in the second Paragraph, that the first Commission and Power granted to that Court, to hear and determine Civil Actions, was in the Reign of *H.* 8.

This, as all other Allegations that want proof, I must take to be but a meer Fiction, until it be proved out of some good Author, that could in probability know how the Case stood before *Henry* the Eighth's time.

The next step our Case-hardened Author makes, is to put a Restraint upon the Constituting Clause, as he calls it, of the 34. and 35. of *Hen.* 8. by telling us it relates only to the Star-Chamber Jurisdiction.

Now to know whether that be so or no, it behoves us first to know what belongs to the Star-Chamber Jurisdiction.

My Lord *Cooke* 4. *Inst.* 63. tells us, that the Exorbitancy and Enormity of some great horrible Crimes and Offences, as Oppression, Bribery, Extortion, *&c.* are properly within the Jurisdiction of the Star-Chamber. But whether the Clause in the 34. and 35. of *H.* 8. extends only to such sort of Crimes or to all sorts of Causes in general, as well Civil as Criminal, will be best proved by inspecting the very words of the Statute, which are these.

Item, *That there shall be and remain a President and Council in the said Dominion and Principality of* Wales, *and the Marches of the same, with all Officers, Clerks and Incidents to the same, in Manner and Form as hath been heretofore used and accustomed: Which President and Council in the said Dominion and Principality of* Wales, *and the Marches of the same, shall have Power and Authority to hear and determine by their Wisdoms and Discretions, such Causes and Matters* (Note this is General as to the Nature of the Causes) *as be or hereafter shall be Assigned to them by the King's Majesty, as heretofore hath been accustomed and used.*

Now he that hath eyes to see, let him see whether this Clause gives not a general Jurisdiction, as to the Quality and Nature of the Causes, if the King please to Assign them; and whether these words, as hath heretofore been used and accustomed, being twice repeated, once as to the Officers, and the second time as to the Jurisdiction, doth not plainly shew that both the Court and the Jurisdiction of it were ancienter than the Statute, and that the said Clause was rather a confirming than a constituting Clause, confirming the old Court and Jurisdiction, not constituting a new Court; which must be the meaning of calling that Clause a constituting Clause.

In the third Paragraph of the Case, it is said, that the Lordships-Marchers being found Inconvenient, by an Act of the 27 *H.* 8. they were made Welsh Counties, and the Court of great Sessions erected; and lest *Wales* should not acquiesce under such Constitution, the Court before the President and Council of the Marches, was continued, in nature of a Star-Chamber only.

It can never be, that the Court before the President and Council, was continued by the Stat. 27 *H.* 8. if it were true, what is said in the Case in the second Paragraph, that the Clause in the Stat. 34. and 35. *H.* 8. was a constituting Clause, and constituted that Court; for the 27 *H.* 8. is but seven years before the 34. and how any Court can be continued seven years before it is constituted and in being, seems so far impossible to me, that I may safely say the Case is Repugnant to it self, and I doubt not but the Author is of the same nature with the Off-spring; and rather than want room for Contention, he would Contest with and be Repugnant to himself, else he would not contend for the destroying and taking away any means to come at Justice, but would rather Regulate the Errors that have crept into that means, if any be.

☞The next and fourth Paragraph in the Case says, That the Statute of the 16 *Car.* 1. which took away the Star-Chamber Court, doth also take away this Court of the President and Council in the Marches, and the Presidents Court in the North; and declares, that the King and Council have no Jurisdiction by English Bill, or otherwise, to determine Causes: But that the same ought to be determined in the Courts of Justice by ordinary course of Law.

This is a very gross mistake, but whether it be more out of willfulness and design to deceive, than Dullness and want of Sense to understand the words of the Act, I will not now determine; but if you look upon the words of the said Stat. of 16 *Car.* 1. that takes away the Star-Chamber Court, it will appear as plain as any thing in the World, that it doth not take away the Court of the Marches, but the Star-Chamber part and Power of it only.

The Statute in the forepart of it, and before it, mentions any thing of the Court in the Marches, takes away all Jurisdiction, Power and Authority of the Grand Court of Star-Chamber at *Westminster*: It likewise intends to take away the like Power exercised in other Courts, but not the Courts themselves; and of this *Sit Liber Judex.* And therefore I will set down what the Statute says as to that matter, which is in these words following.

And be it likewise Enacted, That the like Jurisdiction used and exercised before the President and Council in the Marches of Wales, *and also before the President and Council established in the North Parts, and also in the Court of the Dutchy of* Lancaster; *and also in the Court of Exchequer in the County Palatine of* Chester; *the like Jurisdiction being exercised there, shall be Repealed and absolutely revoak'd and made void.*

So that it is the like Jurisdiction exercised in those Courts beforementioned, in as plain and expres words as can be, and not the Courts themselves that is taken away by that Stat.

And the Author of the Case may as well say, that the Statute takes away the Court of the Dutchy of *Lancaster* and of *Chester* as the Court in the Marches, for the Statute says the same thing of them all.

Indeed the Court of the North is fallen, but the Reason is, that it had not so good a Confirmation by Act of Parliament as the Court of Marches had, as is shewed before.

And as to what the Case says further of the Statute of 16 *Car.* 1. that it declares that the King and Council have no Jurisdiction by English Bill, or otherwise, to determine Civil Causes, but that the same ought to be determined in the Courts of Justice by ordinary course of Law: I say, that by the King's Council in that Statute, is meant his Privy Council, and not the Council in the Marches, which are his legal Council, as the Judges in all the Courts in *Westminster-Hall* are his Council in Matters of Law. And this Construction is warranted by the very Title of the Act it self, which is in these words, *An Act for Regulating the Privy-Council, and taking away the Star-Chamber Court.*

As to that part of the said Paper, Entitled, *Reasons for taking away the Court*, and that part of it Entitled, *The Grievances*, they are in Effect all mentioned in a former Paper, Entitled, *The Grievances of his Majesties Subjects Residing in the Principality of* Wales, and are sufficiently answered already in a Paper in which the pretended Grievances are in one Column, and the Answers to them in another; and therefore at present I shall take notice only of two or three Particulars of what the Case says, that is, First as to the Sufficiency of the Court of Great Sessions, for Administration of Justice in *Wales*. Secondly, As to the Arbitrarines charged on the Court in the Marches. And Thirdly, As to the Allegation that the Inhabitants of *Wales*, are subject to the Jurisdiction of the Courts of *Westminster*, and the Great Sessions, and, as the Author says, this unnecessary Court of the Marches.

As to the Sufficiency of the Court of Great Sessions, I shall for Brevity sake mention but one Instance of its Insufficiency, and that is this, that if either Party in a Suit, be a Man of Interest in the County where the Suit is Commenc'd, and by that means may influence the Jury; there is not that remedy in the Court of Great Sessions against that Mischief, that is in other Courts; there being nothing more common or necessary, than upon Intimation of any such thing in *Westminster*, to order the Cause to be try'd in another indifferent County, but the Court of Great-Sessions cannot order a Tryal in another County, without both Parties consent; so that there is a manifest failer of Justice in the Great-Sessions in such cases, for want of Power to prevent Causes being try'd by Partial and Influenced Juries, which is a worse mischief than the Arbitrarines charged upon the Court in the Marches, by trying Causes by Witnesses and indifferent Judges; and this brings me to the next thing observable, *viz.*

As to the Arbitrarines of the Court, which is Assigned in this, that Damages in Cases wherein Damages are uncertain, are Assessed by the Judges without Jury, contrary to the Great Charter, the Laws and Birth-right of the Subject.

As to which I must take notice, that there is a great difference between Jury-men in these days, and when the Great Charter was made, there are more Errors crept in among Jury-men, than into this Court; there is Bribery and Embracery, and Favour now got into Juries; and it is we only in *England* that are fond of this sort of Tryal, the greatest part of the known World, that are govern'd by the Civil Law, try all by Witnesses and Judges without Jury, and you may find in *Fortescue* cap. 31. that Prince *Henry*, afterwards *Henry* the Sixth, argues strongly, that this sort of Tryal by Witnesses and Judges, is the only trial agreeable to the Law of God: but besides, the Statute of 34. and 35. *H.* 8. which is later than the Great Charter, gives Power to the President and Council in the Marches, to determine according to their Discretion, such Causes as shall be Assigned them by the King; and how can any man with reason think, that such Learned and Worthy Men, and Men of Estates, as are and have been Judges in the Marches of *Wales*, should be corrupted in such small Matters as are Tried there? But if the Tryal by Juries will better please, why may not the Court in the Marches have Power to Summon Juries out of the Town of *Ludlow*, or the next adjacent Counties where all Transitory Actions arising in *Wales* may be tried, as well as Transitory Actions arising in any part of *England*, may be tried at *Guild hall London* by a *London* Jury?

As to the charge of the Inhabitants of *Wales*, being subject to the Jurisdiction of the Courts of *Westminster*, and this Court of the Marches; I answer, that it is well known there are but four Courts that *Propter Eminentiam*, are called the Courts of *Westminster*, *viz.* the *Chancery*, the *Kings-Bench*, the *Common-Pleas*, and the *Exchequer*. The *Chancery* and *Exchequer* do each consist of an Equity part and Common-Law part, the Equity parts are boundless, as to the Extent of their Jurisdiction, but neither they, by their Common-Law Jurisdiction, nor the *Kings-Bench* nor *Common-Pleas*, have really and truly any Jurisdiction that extends into *Wales*, unless in such Cases wherein the King is a Party, and that by vertue of his Prerogative; nor do those Courts ever Issue out any Process either Mean or Judicial into *Wales*, but when the King is concerned. But true it is, the Officers in the Office of Pleas in the Exchequer, do make it their daily Practice to send out a *Quo Minus* to Arrest in *Wales*, but how is that done? It is for the most part by colour of a false Suggestion, that the Plantiff is a Debtor to the King, who for want of Right against the Defendent, is less able to pay the King; so that if the Inhabitants of *Wales* be subject to the Courts of *Westminster*, in any case wherein the King is not concerned, they are not legally so, but are made so by a Trick and false Suggestion only, which I conceive fit to be prevented, and it were but Modesty in the Author of the Case, to forbear calling a Court unnecessary, so long as it hath the Confirmation of an Act of Parliament as this hath.

And whereas the Case says, That the Subjects of *Wales*, by keeping up this Court, are debarred from an Union with *England*, to me it is not discernable, any more than the Counties Palatine having *Jura Regalia* and an exempt Jurisdiction from *Westminster-Hall* within themselves, hinders their Union with the rest of *England*; and until the Author of the Case demonstrates this more clearly, I must be still of the same opinion I was before, that the Case is made up of nothing but Mistakes.

Regulation is very necessary sometimes, and I conceive the greatest defect in the Court, is want of a more ample Jurisdiction, and the best thing I humbly conceive that could be done for Administration of Justice in *Wales*, is to give the Prefident and Council in the Marches, as large and ample a Jurisdiction as to *Wales*, as *Westminster-hall* hath as to *England*, and instead of the Great Sessions, let Causes be tried in the Welsh Counties by *Nisi Prius* from *Ludlow*, as they are in the English Counties by *Nisi Prius* from *Westminster*; and let nothing out of *Wales* come to *Westminster*, but by Writ of Error or Appeal, and this will not only be a great Advantage to *Wales*, by having Justice Administred near home, but it will prevent great Expence that both the Sheriffs and Gentlemen of *Wales* are now at, being forced to spend a whole Week at a time at a Great Sessions, whither there be any thing to do or no, whereas by this means they should not need stay there above two days at a time. All which is humbly Recommended to the consideration of all Well-wishers to the Prosperity of *Wales*.

A Wolth mans Answere to ye
Wolth Daye about the
Court at Ludlow

K. Friends, Society of. 43

A Serious Call to the Quakers Inviting them to Return to Christianity.

THIS sheet of Paper doth set before you some of the many vile and monstrous Doctrines, Principles, and uncharitable sayings of the Chiefest and most noted of your Teachers: Faithfully Collected out of their own Books, the Titles and Pages whereof are set down in the Margin, and most of them are attested by Eight *Ministers of the Church of* England, *of known Integrity and Judgment; whose Names here after follow. You are earnestly requested as you regard your Eternal Salvation, to consider them, and with Prayer to Almighty God to enable you by his good Spirit to compare them with the Holy Scriptures, by which you may clearly see that your Teachers have led you quite off from the Principles of Christianity, without the Faith of which ye have no ground to expect Salvation. It is hoped that if you will duly and well consider these things you will not only renounce your Teachers Errors, but gladly embrace the Doctrine and Religion of Christianity, to which you are hereby sincerely exhorted.*

Concerning their pretended Infallibility and discerning of Spirit, and Equallity with God.

G. Fox and Rich. Hubberthorn, *Truth's Defence*, p. 2.

OUR giving forth Papers, or Printed Books is from the *immediate eternal* Spirit of God to the shewing forth the filthy Practices of the Worlds Teachers, *&c.*

G.F. Great Mystery. pag. 98.

And thou and you, all that speak and write, and not from God *immediatly*, and *infallibly* as the Apostles did, and Prophets, and Christ, but only have gotten the Words, you are all under the Curse in another Spirit ravened from the Spirit that was in the Apostles.

G.W. *Truth Defend.* p. 24.

Do not you *George Whitehead* Blasphemously take to your self an Attribute of God, while you pretend ordinarily to know the Hearts of Men. And tell Mr. *Townsend*, (*Minister* of *Norwich*, in the second Page of your *Ishmael*, that the Light of God is departed from his Conscience.

George Whitehead Answers, I take no *Attribute* of God to my self, but what God hath given me, by whose Gift I witness that promise fulfilled in me; ye shall discern between the Righteous and the Wicked, between him that serveth God, and him that serveth him not, *Mal.* 3. 28. Observ. This in *Mal.* 3. 28. *or any other place of Scripture proves not that any Man shall have one of God's Attributes given them to know Men's Hearts.*

G. F. G. Mist. p. 89.

The Quakers can discern who are Saints and who are Devils, and who are Apostates without speaking ever a word.

G. F. *Saul's Errand*, p. 8. *Francis Howgill's* Works, p. 232.

They that have the Spirit of God, (*which all the* Quakers *say they have*,) are equal with God. He that is joyn'd to the Lord, is one Spirit; there is Unity, and the Unity stands in Equality it self.

Concerning the Scriptures.

Great Mist. p. 302.

George Fox says, The Scriptures are not Infallible nor Divine, but Humane.

W. Penn *in his Quak. a new Nick name for old Christianity*, p. 71.

No Command in Scripture is any farther obliging upon any Man, then as he finds a Conviction upon his Conscience, otherwise Men should be engaged without, if not against Conviction, a thing unreasonable in a Man. (Note, *According to this, there can be no Sins of Ignorance.*

J. Parnel *Shield of Truth*, p. 11.

He that saith the *Letter* is the Rule and Guide of the People of God is without, feeding upon the *Husk*, and is ignorant of the true Light.

G. W. *and* W. P. *Serious Apology*, p. 49.

The Question being put, whether the Quakers did esteem their Speaking to be of as great Authority as any Chapter in the Bible.

George Whitehead Answer, That which is spoken from the Spirit of Truth in any, is of as great Authority as the Scripture and Chapters are, *and greater.*

G. Bishop. *Mene Tekel*, p. 22.

How can, or dare any say, without the *highest Blasphemy*, that the Scriptures is the Word of God.

G. Fox *Answer to the* Westmorland *Petition.* p. 30.

If ever you own the Prophets, Christs, or the Apostles, you will own *our Writings*, which are given forth by the same Spirit and Power.

E. B's. *Works*, p. 105.

You are in the *Witchcraft*, who observe Commands from without from the Letter.

G. F. *News out of the* North p. 14. *and in Several Papers, given forth by the Quakers*, p. 45. *and* 46.

So Dust is the Serpents Meat, their Original is but Dust, which is but the Letter, which is Death; *so these Serpents* feed upon Dust, which feed upon all these carnal things, and their Gospel is Dust, *Matthew, Mark, Luke*, and *John*, which is the Letter: *The cursed Serpent is in the Letter*, R. Hubberthorn's Words, *Truth's Defence*, p. 202.

Concerning the Trinity.

G. Whitehead, *&c. in* Ishmael, *and his Mother cast out. In Answer to Mr.* Townsend, p. 10.

— The Three Persons which thou dreams of, which thou would divide out of one, like a *Conjurer*, are all denied, and thou shut up with them in perpetual darkness for the Lake and Pit, for thou hast no Scripture that mentions any such things.

W. Penn *his Sandy Foundation*, p. 12. 13. 15.

Since the Father is God, the son is God, and the Spirit is God (*which their Opinion necessitates them to confess*) then unless the Father, Son, and Spirit are three distinct nothings, they must be three distinct Substances, and consequently, three distinct God's.

That frequent, but impertinent distinction, that God is One Substance, but Three in Persons, or Subsistances. — A most absurd Blasphemy. — They the *Trinitarians* must necessarily conclude their Kind of Trinity a Fiction.

It's requisite I should inform the Reader concerning its Original: Thou may'st assure thy self it's not from the Scripture, nor Reason, since so expresly repugnant. — It was *conceived in Ignorance*, brought forth and *maintained by Cruelty.*

G. F. Great Mist. p. 246.

The Scriptures do not tell People of a Trinity, nor Three Persons, but the *Common-Prayer-Mass-Book* speaks of three Persons, brought in by the Father the Pope.

Concerning Christ and his Blood, &c.

W. Penn *Serious Apol.* p. 146.

That the outward Person that suffer'd was properly the Son of God, we utterly deny.

C. A. *Sword of the Lord Drawn*, p. 5.

Your *imagined God* beyond the Stars, and your *carnal Christ*, is utterly denied. — To say Christ is God and Man in one Person, is a Lye.

G. Fox Great Mistery, p. 250.

The *Devil was in thee*, thou sayest, *thou art saved by Christ without thee*, and so hast recorded thy self a *Reprobate.*

G. F. G. Mistery, p. 47.

The Light which every Man hath that cometh into the World is *sufficient to Salvation*, without the help of any other *Means or Discovery.*

G. W. *Antidote*, p. 28.

The Light within (*all Men*) is sufficient for Salvation without any thing else.

Stephen Crisp *Collection*, p. 160.

And this Light in thee, wherewith thou art Enlightened is the *Life of Jesus*, John 1. 4. Which he hath given a *Ransom for Man*, that was not Natural, as some foolishly imagine; for if it were Natural, it could not be a Ransom for Man out of Sin.

Will. Bayley's Works p. 600.

The Apostle Preached Christ the Word nigh in the Heart, and in the Mouth, and the ingrafted Word which is able to save the Soul. *So he did not Preach a visible Christ with Flesh and Bones, as you do.* — And *Paul* Preached God that made the World that was not far from every one of us, the invisible God; but *you Preach a visible Man with Flesh and Bones*, at a great distance from all People above where the Sun, Moon, and Stars are.

Voice of Wisdom, p. 36.

G. W. says, the Righteousness which God effects in us is not Finite, but Infinite.

W. P. *Quak. New Nick.* p. 6.

Faith in Christ's outward Manifestation, a deadly Poison these latter Ages has been infected with, to the Destruction of Godly Living.

G. W. *Truth Defending the Quakers*, p. 22. 65.

Christ's coming in the Flesh was but a Figure. — Faith in Christ without Men is contrary to the Apostles Doctrine.

W. P. *Serious Apol.* p. 148.

This we deny (*viz.* Justification by the Righteousness which Christ hath fulfilled in his own Person for us (wholly without us) and boldly affirm in the Name of the Lord to be the *Doctrine of Devils, and an arm of the Sea of Corruption*, which do now deluge the whole World. Observ. *The Words* (wholly without us) *relate to the meritorious Cause of Men's Justification before God; for which God doth justifie them which is the Righteousness of Christ's Person, by his most holy and perfect Obedience unto Death, and shedding of his most precious Blood and that was wholly without us, and that was the true state of the Question betwixt* W. Penn *and his Opponent, and is here deny'd by* W. Penn.

W. P. *Id.* 148.

Death came by *actual Sin*, not imputative; therefore Justification unto Life came by *actual Righteousness*, not imputative.

Light and Life, p. 44.

Christ (in us) offereth up himself a living Sacrifice to God for us, by which the Wrath of God is appeased to us. *Vindicated by* G. W.

S. Eccle's *Letter to* R. Porter.

The Blood of Christ was no more than the Blood of another Saint.

G. W's. *Light and Life*. p. 56.

It is confessed that God by his own Blood purchased to himself a Church, *Acts* 20. 28. Now the Blood of God, or that Blood that relates to God, must needs *be spiritual*, he being a Spirit, and the Covenant of God is inward and Spiritual, and so is the Blood of it.

E. B's. *Works*, p. 273.

The Suffering of the People of God (*that is Quakers*) in this Age, is *greater Suffering, and more unjust, than in the Days of Christ, or of the Apostles, or in any time since.* What was done to Christ or to the Apostles, was chiefly done by a Law, and in great part by the due Execution of a Law, *&c.*

Concerning Baptisme and the Supper.

W. P. *Reason against Railings*, p. 108. 109.

I affirm, by that one Scripture [*Heb.* 9. 10.] Circumcision is as much in force, as *Water-Baptism*, and the Paschal Lamb, *as Bread and Wine*, they were both Shadows, and both elementary and perishable. And we can testifie from the same Spirit, by which *Paul* renounced Circumcision, that they are to be rejected, as not now required.

E. B's. *Works*, p. 109. 191.

To say that sprinkling Infants with Water is Baptisme into the Faith of Christ, is the *Doctrine of Devils*

G. F. *News out of the North*, p. 14.

Your Baptism and Sacraments as you call it, and *all your Ordinances*, and Churches, and Teaching it's *Cain's* Sacrifice. Their Sacrament, as they call it, is Carnal, Their Communion Bread and Wine is the *Table of Devils*, and *Cup of Devils.* The Book out of which this passage is taken, is intituled, *News out of the North, Written from the Mouth of the Lord, from one who is naked, and stands naked before the Lord cloathed with Righteousness, whose Name is not known in the World, risen up out of the North, which* was Prophesied of, *but now is fulfilled, called.* George Fox.

Concerning the Resurrection.

W. Penn *in his* Invalidity *of* J. Faldo's *Vindication*, pag. 369. 370.

I do utterly deny that this Text, 1 *Cor.* 15. 44. *It is sown a natural Body, it's raised a spiritual Body*, &c. is concerned in the Resurrection of Man's carnal Body at all. But the two States of Men under the first and second *Adam*, Men are sown into the World natural, so are they Sons of the first *Adam*: But they are raised spiritual through him who is the Resurrection and the Life, and so are they Sons of the second *Adam.* Who came to raise up the Sons of the first *Adam* from their dead to his living; their natural to his Spiritual Estate. But perhaps it will be objected that the 47th. Verse, *The first Man is of the Earth Earthly*; and part of the 49th. Verse, *We shall all bear the Image of the Heavenly*, seem to imply *a bodily Resurrection*, but let the whole Verse be considered, and we shall find no such thing, *&c.*

T. Elwood *in his Answer to* G. K's. *1st. Narrative*, p. 149.

The Apostle (1 *Cor.* 15. 14.) does not say, The natural is made a Spiritual Body, or the natural Body and the spiritual Body is one and the same Body; but he sets them in opposition, as two distinct Bodies. The Body that is put in the Grave is a natural Body; but the Body that's raised is a spiritual Body. And that none might think this spiritual Body was the same, he adds, *There is a natural Body, and there is a spiritual Body.*

W. P. *in Reason against Rail.* p. 134.

If a thing can be the same, and notwithstanding changed, for shame let us never make so much stir against the *Doctrine of Transubstantiation*, for the Absurdity of it is rather outdone than equalled by this carnal Resurrection.

Richard Hubberthorn's *Collection*, p. 129.

His Envy hath reached to Heaven, to prove, That the Saints in Heaven are not Perfect, but wait for the *Redemption* of their *Bodies*; which now, if People mind the *Scripture*, there is no such Doctrine in it, as the *Saints* in *Heaven* have not receiv'd the *Redemption* of their *Bodies.*

W. P. *Reasons against Rail.* p. 138.

If the Compleat Happiness of the *Soul* rests in a Re-Union to a carnal *Body*, for such it is Sown, then never cry out upon the *Turks Alcoran*; for such a *Heaven*, and the Joys of it, suit admirably well with such a *Resurrection.*

Concerning Christ's coming to Judgment.

G. W. *Light and Life*, pag.

What is that Glory of the Father in which Christ's coming is? is it visible to the carnal Eye? And where is that coming to be? Is it now to be looked for outwardly?

We acknowledge the several coming of Christ according to the Scriptures, both that in the Flesh and that in Spirit. But three comings of Christ, not only that in the Flesh at *Jerusalem*, and that in the Spirit, but also *another coming* in the Flesh yet to be expected, *we do not read of.*

Id. Nature of Christianity, p. 29.

Dost thou look for Christ as he was the Son of *Mary* to appear outwardly, in a bodily Existence, to save thee? If thou dost, thou may'st look till thy Eyes drop out, before thou wilt see such an Appearance of him.

Id. Brief Discovery of the dangerous Principles of J. Horo, p. 9.

And as for that, 1 *Thess.* 4. 15. concerning the coming of our Lord from Heaven which Men blindly put afar off; the Saints who then were alive remained unto it. — So their Conversation, was in Heaven (*viz. a Heaven within them*) they did not say their Conversation was at a distance, above the Clouds, from whence you look for a Christ.

Concerning Heaven and Hell.

G. F. G. *Mist.* p. 184.

There is none have a Glory and a Heaven but within them.

W. P. *Rejoynd.* p. 179.

To deny the Locality of Heaven and Hell not very offensive, and it looks too Carnal and indeed Mahometan (*viz. to assert it.*)

Concerning doing Servile Work on the Lord's Day, and of the Moral Law.

Truth Defending Qua. p. 20.

Did that Quaker sin therein or not, who lately brought on the Lords-day, an old Doublet into Dr. *Gells* Church in *London*, and sat upon the Communion Table mending it while the Dr. was Preaching? *G. W. Ans.* What wilt thou still continue a Papist, that thou countest it such a crime to work upon the Communion Table as if it were a more holy place then another? Where dost thou read in Scripture that Men must do no work on the first day of the Week. Obs. *But to save them on all sides the* Quak. *infallible spirit can go both ways for and against the observation of the Lords day: And both as directed by the same spirit. Thus* G. Fox *Determines in an Epistle to all Christian Magistrates and Powers in Christendom*, p. 12. So all Friends of the Lord God that be moved *to set open your shops* or do any work on the *First-day* which the false Christians call their *Sabbath.* — Do not ye Judge all that do not [*open shop*] as yee do that be not moved to the service as ye are to do that day. And all that doth not do that service [*viz. open shop*] on that Day as ye do as are not moved by the Power of the Lord God, do not Judge them that doth such a service on that day. *Obs. Here he makes them the false Christians who call the First-day of the Week their day of Sabbath or Rest.*

P. 18.

Is the Moral Law, or *Ten Commandments* a Rule to a Christian's Life or is it not? *G. W. Ans.* Thou Might as well ask if the Moral Law as thou callest it be a Rule to Christ? For the Christian's Life and Rule is Christ, who is the end of the Law for Righteousness who came not to destroy but to fulfil it.

Concerning the Church of England's Ministry.

Taken out of W. Mathers Appendix, *which he Collected out of a Noted Quakers Book, Intituled*, A Strict Account of *Babylon's* Merchants, *&c. by* R. Crane. Printed for *Tho. Symmonds* at the *Bull and Mouth* 1660.

There is a Cup *prepared for you*, being mixed with *Plagues, Woes, Miseries, Sorrows, Torments, and Eternal Burnings*, which you shall not pass, for you are found from the Lord God worthy, and a treble Portion is given unto you. — you are *viz. Antichrists, Deceivers, Sorcerers*, and *Ravening Wolves* — *Flames, Flames, Flames of Fire, is prepared by the Lord to consume you as dry stubble.* In the Light of the Eternal God, I have beheld you, and all your Actions. — If I should parallel you with *Salvage Beasts*, I could not truly do it, I think, be they never so fierce — but Men of Prey, such as you are, is quite out of kind, and not to be parallell'd by any thing that draweth breath.

— Oh! Full of all Subtilty, Children generated of the Seed of Deceit, brought forth out of the Womb of Wickedness, and nourished up at the Breasts of Witchcraft, and rocked in Cradle of Idleness. — Oh! What shall I say concerning you? *God's everlasting decree is sealed against you, burnings, burnings, burnings, with unquenchable fire, is your Portion from the Lord God of Heaven and Earth.*

Concerning the Dissenting Ministry.

W. P. *Quak. a new Nick-name*, &c. p. 165.

An Ill-bred Pedantick Crew, the Bane of Religion, and Pest of the World, the old Incendiaries to Mischief, and the best to be spared of Mankind: Against whom the boiling Vengeance of an Irritated God is ready to be pour'd out.

W. P. *Serious Apology*, p. 160.

And we have nothing for them but *Woes* and *Plagues*, who have made drunk the Nations, and laid to sleep on Downy Beds of soft Sin-pleasing Principles, while they have cut their Purses, and pick'd their Pockets. Tophets prepared for them to Act their Eternal Tragedy upon, whose Scenes will be renewed, direful anguishing Woes, an Eternal Irreconcileable Justice.

The Quakers are the *ONLY* Ministers of Christ. *G. Fox Great Mist.* p. 267.

The Quakers are in the Truth, and *NONE* but they. *Quakers Chall.* p. 3.

Now tho' G. Whitehead *and other of your Teachers have Published some late Creeds seemingly Orthodox and repugnant to the errors above Quoted (in divers particulars.) Yet considering what he hath said in his* Counterfeit Convert, *pag.* 72. Printed 1694. I may see cause otherwise to word the matter and yet our intention be the same, *and that Joseph Wyeth* in his Primitive Christianity, *p.* 6. Printed 1698. hath said in behalf of the Quakers, our Principles are now no other then what they were when we were first a People. *It is left to your serious consideration whether the Quotations here given, are consistent with those New Creeds, and whether* Joseph Wyeths *so saying, is not a full confirmation that your Teachers are not in the least changed from their former vile and monstrous Principles.*

Note Reader, I. *That the* Quakers *have printed a most fallacious answer to this Sheet; to which they give this Title*, The Christianity of the People called Quakers asserted, *containing sundry Quotations out of my former Books, writ by me, when I was too much leavened with the Errors of Quakerism, all which I have retracted in Print several Years ago, and therefore they are most unfair and unjust, either to charge me with them, or make what I then writ to be their defence.* II. *That they have not in all their printed Sheet discovered one unfair Quotation, in that called a* Serious Call, *only blamed two or three Marginals wrongly paged, that are in this Sheet corrected.*

Note. *As above said, most of these Quotations (none of which are Retracted by the Quakers) are Attested with near* 200. *more of the same Nature in* G. K's. *Third and Fourth Narratives. By Eight Ministers of the Church of* England, *viz.*

Dr. *Isham*, Rector of St. *Botolph Bishops-gate.*
Dr. *Wincop*, Rector of St. *Mary Abb-Church.*
Dr. *Bedford*, Rector of St. *George Botolph-lane.*
Mr. *Altham*, M. A. Rector of St. *Andrew Undershaft.*
Mr. *Bradford*, M. A. Rector of St. *Mary le-Bow.*
Mr. *Whitfield*, M. A. Rector of St. *Martins Ludgate.*
Mr. *Butler*, M. A. Rector of St. *Mary Aldermanbury.*
Mr. *Adams*, M. A. Rector of St. *Alban Woodstreet.*

Note, *That the Quotations above given, do exactly agree with the Books out of which they are taken as cited in the Margent. I* George Keith *do affirm and offer to prove before any impartial Auditory to the Quakers faces, if they will dare to deny them, and if they will dare to own them, I offer to prove them monstrous, Heretical and Antichristian, and so far as they reflect on the Persons of their opposers most uncharitable.*

POSTSCRIPT.

From the above-cited Quotations, it is plainly evident that the Quakers *Belief in these Ten Articles is as followeth.*

1. *Concerning their Infallibility*: They affirm that they are Infallible, that God hath given to them his Attribute to know Mens Hearts, and that they are equal with God.

2. *Concerning the H. Scriptures*: They say that the Scriptures are Humane, and that no command in them is in it self obliging, that what they speak is of greater Authority than the H. Scriptures, that the Gospels of St. *Matthew, Mark, Luke* and *John*, are Dust, and the Serpent's Meat, *that is the Devils Meat.*

3. *Concerning the H. Trinity*: They damn the H. Trinity to the Pit of Hell, and call it Conjuration, affirming the Three Persons of God the Father, God the Son, and God the H. Ghost are Three Nothings.

4. *Concerning Christ and his Blood*: They utterly deny that Jesus Christ who suffer'd under *Pontius Pilate*, was properly the Son of God, or that we are to be sav'd by his Merits, but affirm that the Light which every Man brings with him into the World, is sufficient for every Mans Salvation without any thing else; and that the Blood of Christ is no more than the Blood of any Saint.

5. *Concerning Baptism and the Lord's Supper*: They affirm that Baptism and the Lord's Supper are no more Duties to Christians than Circumcision is, which they renounce (*as they say*) by the same Spirit, by which St. *Paul* renounced Circumcision. They call Infant Baptism the Doctrin of Devils, and the Lord's Supper the Table of Devils.

6. *Concerning the Resurrection*: They deny the Resurrection of the Body after Death, calling that Article of our Faith as absurd as the Doctrin of Transubstantiation is.

7. *Concerning Christ's coming to Judgment*: They deny the Article of Christ's coming to Judgment at the end of the World, saying, that there will be no other coming of Christ, then what has been already, or that be within Men.

8. They deny any other Heaven or Hell then what is within Men, calling all other Mahometism.

9. They allow doing servile Work, as opening Shop on the Lrod's Day, to sell Goods, and Taylers to mend Cloths on that day, and deny that the Ten Commandments are a Rule to Christians, and especially the Eight Commandment, for a Quaker said *he had a command immediatly from Heaven to take away the Priests Hour glass*, which being complain'd of, *G. Fox* makes this answer, great Myst. p. 77. *viz. and for any being moved of the Lord, to take away your Hour-glass from you, by the eternal Power it is owned.* Note by the same pretence, they may take away the Church Plate, or any thing else, for as *E. Burrough* their Prophet saith, *Our* HEIRSHIP *is to possess the uttermost part of the Earth*, in a Declaration of the Quakers signed by *E. Burrough* and 15 more, p. 9. which is the same Principle with *John* of *Leiden*, and other *German* Enthusiasts that all right to any worldly Substance is founded on Grace, and that none had a right to any thing but the Saints.

10. For these Reasons they call all Ministers of Jesus Christ, and Preachers of his Gospel (always excepting themselves) by most unchristian and uncharitable Names.

The Quakers are not wronged in any one Citation, and it is left to the Judgment of all serious Christians, whether these are not the Doctrins which are contain'd in them. All good Christians are desired to have this Sheet in their Houses, and as they have opportunity to shew the poor deluded Quakers their Errors, which 'tis hoped many of them do not know, and will renounce assoon as they do.

The Second Edition. Sold by B. Aylmer *at the* Three Pidgeons *in* Cornhill, *and* C. Brome *at the* Gun *at the* West-end *of* St. Paul's Church-yard. 1700.

The CASE of Sir *Robert Daſhwood*, Knight and Baronet, Sir *Samuel Daſhwood*, Knight, *John Pery*, and *Edward Noell*, Surviving Executors of *George Daſhwood*, Eſq; Deceaſed, in Truſt for Minors, the younger Children of the ſaid Mr. *Daſhwood*, Appellants, from a Decree and ſeveral Orders in the Court of *Exchequer*, wherein they and others are Defendants at the Suit of Sir *John Champante*, Knight, Complainant.

4. *Aug.* 1671. The Undertaking was for Five Years from 25*th. Decemb.* 1670. to 26*th. Dec.* 1675. 8. *Nov.* 1671.

THE Lord *Ranelagh*, Sir *Alexander Bence*, Sir *James Hayes*, *Robert Huntington*, *Richard Kingdon*, *John Bence*, *Joſeph Dean*, *John Stepney*, and the Teſtator Mr. *Daſhwood*, by Letters-Patents under the Great Seal of *England*, were concerned in the Undertaking for Management of the Revenues of *Ireland*, from 25*th. Dec.* 1670. to 26*th. Dec.* 1675. and no longer; and by Commiſſion alſo under the Great Seal dated 23*th. Sept.* 1671. the ſaid Undertakers, or in their reſpective abſences (moſt of them living here in *England*) ſeveral Perſons therein named as their reſpective Repreſentatives, or a Quorum of ſuch five of them as are therein particularly named, were appointed to manage the undertaking until the ſaid 26*th. Dec.* 1675. and no longer; and by Articles between the Undertakers, the Lord *Ranelagh* was to have and bear four 12*th.* Shares, and Mr. *Daſhwood*, and each other of the Undertakers one 12*th.* Share of all Profits and Loſſes by the Undertaking. But the Repreſentatives had no Intereſt in the Undertaking, and only acted for the reſpective Undertakers for a Salary allowed them by each Undertaker.

Sir *John Champante* was appointed Treaſurer of the Undertaking, and by his Commiſſion (which recites the ſaid Commiſſion to the Undertakers) was appointed to receive and pay all Money relating to the Undertaking, during the Continuance of his ſaid Commiſſion, in ſuch manner as he ſhould be directed in Writing, ſigned by the ſaid Quorum of the Undertakers, or their Repreſentatives, and not otherwiſe.

Sir *John Champante's* Accompts to the 26*th. Decemb.* 1673. were ſtated and drawn into two Accompts, one for 1671, and the other for 1673, and afterwards were examined, allowed of, and ſubſcribed by a Quorum of the Undertakers, or their Repreſentatives, and are not queſtioned.

S. *May* 1674. *Daſhwood's* Aſſignment.

George Daſhwood by Indenture aſſigned his Share in the Undertaking to Sir *James Hayes*, and from that time Sir *James Hayes* was to ſtand in the place of Mr. *Daſhwood* as to all Profit and Loſs by the Undertaking. Of this Aſſignment Sir *John Champante* ſoon after had notice, and from the time of the Aſſignment, Mr. *Daſhwood* never intermedled in the Undertaking, nor further concerned himſelf therein.

Bill in *Ireland*.

Sir *John Champante* brought his Bill in the Exchequer in *Ireland* againſt my Lord *Ranelagh* and ſome others (and amongſt others named therein the Teſtator Mr. *Daſhwood*) and thereby demanded againſt them the Sum of 36454*l.* 8*s.* 8*d.* as due to him upon two pretended ſtated Accompts made up and ſtated about *October* 1677. by one *Edward Roberts*, by colour of an Authority given to him by the ſaid Sir *James Hayes* and Mr. *Stepney*, without the privity or conſent of any of the other Undertakers, one of the Accompts being from 25*to. Decemb.* 1673 to 25*th. Decemb.* 1674. and the other Accompt from 25*th. Decemb.* 1674. to the 24*th.* day of *June* 1677. But finding after he had filed his Bill that the Undertakers then concerned could ſatisfie thoſe Accompts in 12295*l.* in one intire Summ, *Champante* and *Roberts* alone, and without the privity of the Undertakers, about *January* 1678. being above 12 Months after the pretended Accompts were ſtated, altered the ſame, and cut out and deſtroyed the whole Charge-part of the Accompts being many Leaves, and cauſed a new Charge-part to be written over again, and fixed the laſt Leaf containing *Roberts's* Approbation of the Accompts to the Leaves ſo new added.

8. *Mar.* 1682.

To the Bill in *Ireland* Mr. *Daſhwood* never appeared, and dies 18*th. March* 1682. long before the Caſe there was brought to Hearing, and the Suit was never revived there againſt the Appellants his Executors, nor they ever called to or made parties to the Bill or the Accompts. But 11*th. June* 1684. *Champante* obtained a Decree in *Ireland* againſt the Lord *Ranelagh*, and ſome others of the Undertakers which were then alive, for 24159*l.* 8*s.* 8*d.* beſides Coſts.

Bill in *Eneland*. 6. *May* 1675. 58756*l.* 4*d.*

Sir *John Champante* afterwards exhibited his Bill in the Exchequer in *England* againſt my Lord *Ranelagh* and ſeveral others, and amongſt the reſt againſt the Appellants, the Executors of Mr. *Daſhwood*, and thereby demanded the 24159*l.* 8*s.* 8*d.* decreed in *Ireland*, 17350*l.* for Monies he pretends he ſtands bound for, and 9180*l.* for Money he pretends he advanc'd beſides other Principal Monies, Gratuities, Commiſſion-Monies, *&c.* not included in the ſaid Accompts, amounting to 34596*l.* 11*s.* 07*d.* his Demand in all amounting on the 6*th.* of *May* 1675. to 58756*l.* 0*s.* 4*d.* ½. and Intereſt for the ſame ever ſince, which was the firſt time the Appellants ever heard of Sir *Jo. Champate's* Demands againſt them.

Appellants Anſwer.

To this Bill the Appellants by their Anſwer amongſt other things inſiſted, That their Teſtator had but a 12*th.* Share in the Undertaking, and had aſſigned as aboveſaid, and that *Champante* ſoon after had notice thereof.

That the Appellants (being only Executors in Truſt for Minors) being alarm'd with ſo great a Demand, and eſpecially it being founded (as was pretended) upon a ſtated Accompt, and knowing their Teſtator had aſſigned as before is ſet forth, having found amongſt his Writings a Counter-part of the ſaid Aſſignment, inquired into the ſaid Accompts, and Mr. *Roberts's* authority, and preſently diſcovered that the great Summs that made up the Foot of the ſaid pretended Accompts were Monies pretended to be advanced and borrowed by Sir *John Champante* for the Undertakers, long after Mr. *Daſhwood's* Aſſignment, and without his order or privity, and after the end of the Undertaking, and that *Roberts* had not fairly ſtated the ſaid Accompts, nor had any concluding authority to ſtate the ſame.

Trinity Vacation 1688.

That the Cauſe being at Iſſue, the Complainant in *Trinity* Vacation 1688. took a Commiſſion into *Ireland* for Examining Witneſſes, and the Appellants joyned in the Commiſſion and ſent a Perſon into *Ireland* on purpoſe to look after their Witneſſes, and to attend the Execution of the Commiſſion, who got ſome of their Witneſſes Examined: But one Mr. *John Peeſley* who was Imployed as a Clerk in the Undertaking under Sir *John Champante*, and could have proved that Sir *John Champante* had notice of the Aſſignment from Mr. *Daſhwood* to Sir *James Hayes*, was at that time ſick at *Sligo*, far diſtant from *Dublin*, and ſo could not be Examined at that Commiſſion; and Mr. *John Hayes* who alſo was then in *Ireland*, and could have proved the Notice to Sir *John Champante*, was made a Defendant to prevent his Teſtimony, and could not be Examined without Leave of the Court which were the Reaſons the Appellants exhibited no Interrogatories there, for to prove Notice of the ſaid Aſſignment.

23. *Oct.* 1688.

The Court was moved by the Appellants for a Commiſſion to Examine their Witneſſes as of Right due unto them, but the Barons denied it and only gave the Defendants a Weeks time to Examine Mr. *John Hayes* to prove Notice to *Champante* of Mr. *Daſhwood's* Aſſignment, but Mr. *Hayes* then being in *Ireland*, and not returning it that time, nor long after could not be Examined.

29. *Oct.* 1688.

The Perſon that went into *Ireland* to attend the Execution of the Commiſſion came thence before the ſame was ended, that he might be in Town before the firſt day of *Michaelmas* Term 1688. to move for a new Commiſſion, but being becalmed at Sea was prevented, but ſoon after his coming made Oath, That Mr. *John Hayes*, Mr. *Beeſley* and others, were material Witneſſes for the Defendants, and ſet out in the Affidavit that *Beeſley* could prove the Notice; and alſo what the other Witneſſes could ſpeak to, and the Reaſons why they could not be Examined on the ſaid firſt Commiſſion; and thereupon the Court was again moved for a new Commiſſion to Examine the ſaid Witneſſes, the Defendants never having had one before. But the Court refuſed to grant one, but ordered Mr *John Hayes* to attend at the Hearing to be Examined as the Court ſhould think fit; and the Court then declared that they would let in the Appellants to prove Notice if they found it material at the Hearing of the Cauſe.

Trinity Vacation 1688.

The Appellants and other Defendants exhibited a Croſs Bill againſt *Champante*, and therein charged him particularly to anſwer if he had not Notice of of Mr. *Daſhwood's* Aſſignment to the ſaid Sir *James Hayes*: To this Bill *Champante*, refuſed to anſwer, but put in an Evaſive Plea, upon hearing of which the Court of *Exchequer* would not give their Judgement, whether he ſhould anſwer or not till they had heard the Cauſe upon *Champante's* Bill.

Eaſter and *Trinity* Terms 1689.

The Cauſe was heard in the Exchequer, and the Appellants the Executors proved the Aſſignment in Court, and had their ſaid Witneſſes there ready to prove Notice thereof to *Champante*, but the Court being altered, and all new Judges, and therefore ſtrangers to the former Debates, would not hear them, and *Champante* endeavoured to prove that Mr *Daſhwood* acted in the Undertaking after the ſaid Aſſignment, and exhibited for that purpoſe ſeveral Letters and Orders pretended to be ſigned by Mr. *Daſhwood*, but the ſame were all counterfeited, and not Mr. *Daſhwood's* Hand-writing.

Decree. 20*th.* of *June* 1689.

The Court by their Order on Hearing declared, as on one ſide they were not fully ſatisfied to adjudge the ſaid Accounts ſtated by *Roberts* to be concluſive, ſo on the other ſide, they would not diſallow them as ſtated and cloſed Accounts, but being willing that in caſe the Defendants ſhould have material Objections to offer againſt any of the Particulars of the Accounts, that the ſame ſhould be examined by Auditors, referred it to the Auditors of the Impreſt to examine the two laſt Accounts, and alſo if they are in the Method of the former Accounts, and the Auditors are to be armed with a Commoſſion to examine Witneſſes on both ſides, if need be, concerning the ſaid Accounts, as alſo for examining *Champante*, who not having anſwered the Croſs-Bill, is inſtead of an Anſwer thereto, to be examined upon Interrogatories: And in caſe of any Difficulty, the ſaid Auditors are to certifie the Matters ſpecially, and crave the further Direction of the Court therein. And the ſaid Auditors are alſo to ſtate the Intereſt, Commiſſion-Money, and Gratuities upon the ſaid two laſt Accounts, and take the Account of *Champante's* Receipts and Diſburſements relating to the Undertaking ſince the 24*th.* of *June* 1677. and ſuch of the Defendants as would be exempted from Accounting were to bring in their Caſes for the Barons to conſider of and the ſaid *Jo. Hayes* is thereby diſmiſt as to being a Party to the Account, but is not to be examined as a Witneſs in the ſaid Cauſe.

Upon paſſing of which Order or Decree the Appellants were not permitted to inſert there in any part of their Anſwer or Defence, or that the ſaid Aſſignment was proved in Court.

The Appellants the Executors of Mr. *Daſhwood* delivered in their Caſe for the Barrons to conſider of, and inſiſted that they ought not to be accountable to *Champante* further than from 25*th. December* 1673. to 8*th.* of *May* 1674. being the time Mr. *Daſhwood* aſſigned to Sir *James Hayes*, or at fartheſt to the time *Champante* had Notice thereof, and that *Champante* as againſt them ought to come to a new Account to that time.

6*th.* of *December* 1689.

The Appellants Caſe coming to be heard before the Barons, who were ſtrangers to the firſt Proceedings of the Cauſe, and to the Promiſes the Court had made to let in the Appellants to prove Notice at the hearing of the Cauſe, they refuſed to hear Witneſſes *Viva voce* to prove the Notice, or to refer the ſame to be Tryed by an Iſſue at Law, although the ſame was very Material, and ſo declared by the Court, and indeed was the ſole Point upon which the Appellants Cauſe depended: And ordered, that the Appellants (in regard they had not proved Notice in the Depoſitions before Hearing) (which they were diſabled to do for the Reaſons aforeſaid) ſhould be ſubject to the whole Account, though one of the Barons declared his Opinion, that the Appellants ought to be permitted to try the Matter of Notice at Law.

Upon paſſing of which Order however the Appellants were not permitted to inſert in the ſame, that their Council prayed the Court would allow them to examine their Witneſſes, or to go to a Tryal at Law to prove the Notice, and that they ought to be diſcharged from the time of the Aſſignment and Notice thereof.

Againſt which Orders and Decree the Appellants have appealed, as conceiving the ſame unjuſt and contrary to Equity and good Conſcience.

Reaſons of Appeal.

I. For that the Appellants Teſtator Mr. *Daſhwood*, having by Deed under his Hand and Seal the 8*th.* of *May* 1674, aſſigned his ſhare in the Undertaking to Sir *James Hayes*, another of the Undertakers, the Court ought before the Hearing to have granted the Appellants a Commiſſion to have examined their Witneſſes, (as was deſired) and at the Hearing the Court ought to have examined the Appellants Witneſſes to have proved Notice of the ſaid Aſſignment (the Aſſignment it ſelf being proved in Court) or to have let in the Appellants ſome other way to have proved the ſame, according to the former Declaration of the Court (before the Judges were altered) that they would ſo do. And the Appellants ought not to have been decreed accountable further than to that time, Mr. *Daſhwood* never acting nor intermedling in the ſaid Undertaking after the ſaid Aſſignment. And the ſubſequent Letters and Orders produced by the ſaid Sir *John Champante* as ſigned by Mr. *Daſhwood*, to prove he acted afterwards, were all counterfeited, and not his Hand-writing, and near 30000*l.* of the ſaid Account is for Moneys pretended to be lent the Undertaking, long after Mr. *Daſhwood's* Aſſignment; and the End of the Undertaking, which never did redound to the Benefit or Profit of Mr. *Daſhwood*, and therefore not reaſonable that his Eſtate ſhould be chargeable with the ſame, and in truth one penny thereof was not paid or brought into the Undertaking.

II. For that the Court of Exchequer have thereby, as far in them lies, deprived the Appellants of all means of proving the Notice, for they have ordered *Champante* only to be examined upon Interrogatories inſtead of anſwering the Croſs Bill, which, if he had anſwered, the Appellants might in that Cauſe have examined to the Notice. And they have alſo ordered that Mr. *John Hayes*, who is one of the Appellants Witneſſes to prove the Notice, and was ſo declared before Publication, or the Hearing ſhall be diſmiſt, as not being concerned in Intereſt, to account with or anſwer *Champante's* Demands, and yet to deprive the Appellants of his Teſtimony, have ordered he ſhall not be examined as a Witneſs in the Cauſe, notwithſtanding he hath diſclaimed by his Anſwer, and was not, nor is in any ways concerned in Intereſt, being only the Repreſentative of Sir *James Hayes*.

III. For that the Court ought utterly to have rejected the pretended ſtated Accounts by Mr. *Roberts* (as to the Appellants) he having no Authority for ſtating thereof from the Appellants Teſtator; And *Roberts* himſelf hath ſworn, that he underſtood the Authority was intended only for him to prepare the Accounts for the Undertakers peruſal, and not that the ſame ſhould be binding or concluſive to them. Nor was the ſaid Authority ſigned by a *Quorum* of the Undertakers, or their Repreſentatives, or by the Complainant *Champante* himſelf, and ſo he was not bound by what *Roberts* ſhould do therein.

Alſo the ſaid pretended ſtated Accounts are made up of general Heads and Abſtracts, containing no Particulars of Times, Perſons, or Sums paid or received: Beſides, in them great Sums are allowed without ſufficient Vouchers, and alſo vaſt Sums, to the value of 100000*l.* and more are therein paſſed and allowed, without any Vouchers at all, and *Champante* refuſed to deliver the Vouchers he had, by a Schedule, though the Undertakers offered to take them, if he would do ſo, but careleſly threw them away, to prevent any Examination or Diſcovery thereof.

Alſo the ſaid pretended ſtated Accounts were above a year after the making up of the ſame, and after a Bill brought in *Ireland* for the Moneys pretended due thereupon, altered by Sir *John Champante* and Mr. *Roberts*, without the Privity of any of the Undertakers in 12295*l.* in one *Item*, as is ſince diſcovered, and all the Charge-part cut out and deſtroyed, and a new Charg-part of ſeveral Leaves put in the room thereof.

Alſo the ſaid pretended Accounts are carried on until the 24*th.* of *June* 1677. whereas the Undertaking ended at *Chriſtmas* 1675. and after that, Sir *John Champante* acted only by Order from ſome particular Perſons then concerned in the Undertaking (but Mr. *Daſhwood* was not any of them) ſo that that Account at moſt as againſt the Appellants (becauſe Notice was not proved of the ſaid Aſſignment) ought only to have been taken until *Chriſtmas* 1675. And the ſame as to the Appellants, ought to have been an open Account; It not being pretended that their Teſtator ever had any Notice of the ſtating thereof, or concerned himſelf therein, or aſſented to the ſame.

K. Scotland. — Proclamations. — James II., King of Great Britain and

By the King

A PROCLAMATION.

JAMES R.

JAMES the Seventh, by the Grace of God, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith, &c. To all and ſundry Our good Subjects, whom theſe Preſents do or may concern, Greeting: We having taken into Our Royal conſideration, the many and great inconveniencies which have happened to that Our Ancient Kingdom of *Scotland* of late years, through the differrent Perſwaſions in the Chriſtian Religion and the great Heats and Animoſities among the ſeveral Profeſſors thereof to the ruine and decay of Trade, waſting of Lands, extinguiſhing of Charity, contempt of the Royal Power, and converting of true Religion and the fear of God, into Animoſities, Names, Factions, and ſomtimes into Sacriledge and Treaſon. And being reſolved as much as in us lies to Unite the Hearts and Affections of Our Subjects to God in Religion, to Us in Loyalty, and to their Neighbours in Chriſtian Love and Charity, have therefore thought fit to Grant, and by Our Soveraign Authority, Prerogative Royal, and abſolute Power, which all Our Subjects are to obey without Reſerve, Do hereby give and Grant our Royal Tolleration to the ſeveral profeſſors of the Chriſtian Religion after-named, with and under the ſeveral Conditions, Reſtrictions and Limimitations after-mentioned. In the firſt place we Allow and Tollerate the Moderate Presbyterians, to meet in their private Houſes, and there hear ſuch Miniſters as either have or are willing to accept of Our Indulgence Allanerly, and none other, and that there be not any thing ſaid or done contrary to the Well and Peace of Our Reign, Seditious or Treaſonable under the higheſt Pains the Crimes will Import; nor are they to preſume to build Meeting-Houſes, or to Uſe Out-Houſes or Barns, but only to Exerciſe in their private Houſes, as ſaid is: In the mean time, it is our Royal Will und Pleaſure that Field-Conventicles and ſuch as Preach or Exerciſe at them, or who ſhall any ways Aſſiſt or Connive at them, ſhall be proſecuted according to the utmoſt ſeverity of Our Laws made againſt them, ſeeing from theſe Rendezvouzes of Religion ſo much Diſorder hath proceeded and ſo much Diſturbance to the Government; and for which after this Our Royal Indulgence for tender Conſciences, there is no Excuſe left. In like manner We do hereby Tollerate Quakers, to meet and exerciſe in their Form, in any place or Places appointed for their Worſhip. And conſidering the ſevere and cruel Laws made againſt *Roman* Catholicks. (therein called *Papiſts*) in the Minority of Our Royal Grand-Father of Glorious Memory without his Conſent, and contrary to the duty of Good Subjects, by his Regents and other Enemies to their Lawful Soveraign, Our Royal Great Grand-Mother Queen *Mary*, of Bleſſed and Pious Memory, wherein under the pretence of Religion they Cloathed the worſt of Treaſons, Factions, and Uſurpations, and made theſe Laws not as againſt the Enemies of God, but the Crown; which Laws have ſtill been continued of courſe, without deſign of Executing them, or any of them; *ad terrorem* only, on ſuppoſition that the *Papiſts* relying on an External Power were incapable of Duty and true Allegiance to their natural Soveraigns, and rightful Monarchy: We of Our certain Knowledge and long Experience knowing that the Catholicks as it is their principle to be Good Chriſtians, ſo it is to be dutiful Subjects, and that they have likwiſe on all occaſions ſhown themſelves good and faithful Subjects to Us, and Our Royal Predeceſſor, by hazarding, and many of them actually loſing their Lives and Fortunes in their Defence, (though of another Religion) and the maintenance of their Authority, againſt the Violences and Treaſons of the moſt violent Abbettors of theſe Laws, Do therefore with advice and conſent of Our Privy Conncil, by our Sovcraign Authority, Prerogative Royal and abſolute Power aforeſaid, Suſpend, Stop, and Diſable all Laws and Acts of Parliament, Cuſtoms or Conſtitutions made or Executed againſt any of our *Roman*-Catholick Subjects, in any time paſt, to all intents and purpoſes, making void all prohibitians therein mentioned, Pains or Penalties therein Ordained to be Inflicted, ſo that they ſhall in all things be as free in all reſpects as any of Our Proteſtant Subjects whatſoever, not only to Exerciſe their Religion, but to enjoy all Offices, Beneſices, and others, which We ſhall think fit to beſtow upon them in all time coming: Nevertheleſs it is our Will and Pleaſure, and we do hereby command all Catholicks at their higheſt Pains, only to exerciſe their Religious Worſhip in Houſes or Chappels; and that they preſume not to Preach in the open Fields, or to Invade the Proteſtant Churches by force, under the pains aforeſaid, to be inflicted upon the Offenders reſpectively, nor ſhall they preſume to make publick Proceſſions in the High-Streets of any of Our Royal Burghs under the Pains above-mentioned. And whereas the Obedience and Service of Our good Subjects is due to Us by their Allegiance, and Our Sovereignity and that no Law, Cuſtom, or Conſtitution, Difference in Religion, or other impediment whatſoever can exempt or diſcharge the Subjects from their Native Obligations and Duty to the Crown, or hinder Us from protecting and employing them, according to their ſeveral Capacities, and Our Royal Pleaſure, not reſtrain us from conferring Heretable Rights and Priviledges upon them. or Vacuate or Annul theſe Rights Heretable, when they are made or conferred: And likewiſe conſidering that ſome Oaths are capable of being Wreſted by Men of Siniſtrous Intentations, a practice in that Kingdom fatal to Religion, as it was to Loyalty; Do therefore, with Advice and Conſent aforeſaid. Caſs, Annul and diſcharge all Oath whatſoever, by which any of Our Subjects are incapacitated or diſabled from holding Places, or Offices in our ſaid Kingdom or enjoying there Hereditary Rights and Priviledges, Diſcharging the ſame to be taken or given in any time coming, without our ſpecial Warrand and Conſent, under the paints due to the Contempt of Our Royal Commands and Authority; and to this effect, We do by Our Royal Authority aforeſaid, Stop, Diſable, and Diſpence with all Laws enjoyning the ſaid Oaths, Teſts, or any of them, particularly the firſt Act of the firſt Seſſion of the firſt Parliament of King *Charles* the Second; the eleventh Act of the foreſaid Seſſion of the foreſaid Parliament; the ſixth Act of the third Parliament of the ſaid King *Charles*; the twenty firſt and twenty fifth Acts of that Parliament; and the thirteenth Act of the firſt Seſſion of Our late Parliament, in ſo far allanerly as concerns the taking the Oaths or Teſts therein preſcribed, and all others, as well not mentioned, as mentioned, and that in place of them, all Our good Subjects, or ſuch of them as We or Our Privy Council ſhall require ſo to do, ſhall take and Swear the following Oath allanerly, I *A. B. Do Acknowbedg, Teſtifie ad Ceclare, that* JAMES *the Seventh, bythe Grace of God, King of* Scotland, England, France *and* Ireland, *Defender of the Faith*, &c. *is rightful King, and Supream Governour of theſe Realms, and over all Perſons therein, and that it is unlawful for Subjects, on any pretence, or for any cauſe whatſoever, to riſe in Arms againſt Him, or any Commiſſionaned by him, and that I ſhall never ſo riſe in Arms: nor aſſist any who ſhall do ſo; and that I ſhall never reſist his Power or Authority, nor ever Oppoſe His Authority, to His Perſon, as I ſhall anſwer to God, but ſhall to the utmoſt of my power Aſſiſt, Defend and Maintain Him, his Heirs and Lawful Succeſſours, in the Exerciſe of Their abſolute Power and Authority, againſt all Deadly*, So help me God. And ſeeing many of our good Subjects have, before Our Pleaſure in theſe matters was made publick, incurred the Guilt appointed by the Acts of Parliament above-mentioned, or others; We by Our Authority and abſolute Power and Prerogative-Royal above-menrioned, of our certain Knowledge and innate Mercy, Give Our ample and full Indemnity to thoſe of the *Roman*-Catholick or *Popiſh* Religion, for all things by them done contrary to Our Laws or Acts of Parliament, made in any time paſt relating to their Religion, the Worſhip and Exerciſe thereof, or for being Papiſts, Jeſuites, or Traffickers, for hearing or ſaying of Maſs, Concealing of Prieſts or Jeſuites, or breeding their Children Catholicks at home or abroad, or any other thing, Rite, or Doctrine ſaid, performed or maintained by them, or any of them: And likewiſe for holding or taking of Places, Employments or Offices, contrary to any Law or Conſtitution, Advices given to Us or our Council, Actions, done or generally any thing performed or ſaid againſt the known Laws of that Our Ancient Kingdom; Excepting always from this Our Royal Indemnity all Murders, Aſſaſſinations, Theſts, and ſuch like other Crimes, which never uſed to be comprehended in Our General Acts of Indemnity. And We Command and Require all Our Judges, or others concerned, to explain this in the moſt ample ſenſe and meaning Acts of Indemnity at any time have contained: Declaring this ſhall be as good to every one concerned, as if they had Our Royal Pardon and Remiſſion under our Great Seal of that Kingdom, And likewiſe for Indemnifying our Proteſtant Subjects, from all Pains and Penalties due for hearing or preaching in Houſes, provided there be no Treaſonable Speeches uttered in the ſaid Conventicles by them, in which Caſe the Law is only to take place againſt the Guilty, and none other preſent: Providing alſo that they Reveal to any of our Council the Guilt ſo committed. As alſo excepting all Fines or effects of Sentences already given; and likwiſe indemnifying fully and freely all Quakers for their Meetings and Worſhips in all time paſt, Preceeding the publication of theſe Preſents; and we doubt not but our Proteſtant Subjects will give their Aſſiſtance and concourſe hereunto on all occaſions, in their reſpective Capacities: In conſideration whereof, and the Eaſe thoſe of Our Religion and others may have hereby: and for the Encouragement of Our Proteſtant Biſhops and the regular Clergy, and ſuch as have hitherto lived orderly, We think fit to declare that it never was Our Principles, nor will we ever ſuffer Violence to be offered to any Mans Conſcience, nor will we uſe force or invincible neceſſity againſt any Man on the account of his Perſwaſion, nor the Proteſtant Religion, but will protect Our Biſhops and other Miniſters in their Functions, Rights, and Properties and all Our Proteſtant Subjects in the free exerciſe of their Proteſtant Religion in the Churches; and that we will and hereby promiſe on Our Royal Word to maintain the Poſſeſſors of Church-Lands, formerly belonging to Abbeys, or other Churches of the Catholik Religion, in their full and free poſſeſſion and Rights, according to Our Laws and Acts of Parliament in that behalf in all time coming; and we will employ indifferently all our Subjects, of all Perſwaſions, ſo as none ſhall meet with any Diſcouragement on the account of his Religion, but be advanced and eſteemed by Us according to their ſeveral Capacities, and Quallifications, ſo long as we find Charity and Unity maintained; and if any Animoſities ſhall ariſe, as we hope in God there will not, We will ſhow the ſevereſt effects Our Royal Diſpleaſure againſt the Beginners or Fomenters thereof, Seeing thereby Our Subjects may be derpived of this general Eaſe and Satisfaction we intend to all of them, Whoſe Happineſs, Proſpirity, Wealth and Safety, is ſo much Our Royal Care, that we will leave nothing undone which may procure theſe Bleſſings for them. And laſtly to the end all Our good Subjects may have notice of this Our Royal Will and Pleaſure we do hereby command Our Lyon King at Arms, and his Brethren Heraulds, Macers Purſevants and Meſſenſters at Arms to make timeous Proclamation thereof at the Mercat Croſs of *Edinburgh*; and beſides the Printing and publiſhing of this our Royal Proclamation, it is Our expreſs Will and Pleaſure that the ſame be paſt under the great Seal of that Our Kingdom *per ſaltum*, without paſſing any other Seal or Regiſter: In order whereunto this ſhall be to the Directors of Our Chancellary and their Deputies for Writing the ſame, and to our Chancellor, for cauſing our Great Seal aforeſaid, to be Appended thereunto, a ſufficient Warrand.

Given at Our Court at White-hall, *the Twelfth of* February, 168⅘. *And of Our Reign the Third Year.*

By His *Majeſties* Command, *MELFORT.*

GOD ſave the KING.

Edinburgh, Printed by the Heir of *Andrew Anderſon*, Printer to His moſt Sacred *Majeſty*, Anno *Dom.* 1687.
This may be Reprinted *February 28th. R. L. S.* By *George Croom*, at the *Blue Ball* in *Thames-ſtreet*, near *Baynards-Caſtle.* 1687.

GRANA ANGELICA:
OR THE TRUE
SCOT'S PILLS.

Left to Posterity, by Dr. PATRICK ANDERSON *of* Edinburgh, *Physician to His Majesty K:* CH: I. *and constantly used as his Ordinary Physick by K:* CH: II.

Are Faithfully prepared only by *J. Inglish* from *Edinburgh.*

Now Living at the Hand and Pen near the Kings *Bagnio* in *Long-Acre, London.*

By Their MAJESTIES Authority.

AMongst the most eminent Physicians of this Age, the late famous Doctor *ANDERSON* is most deservedly to be esteemed: For he spared no Travel nor Study, that he might be serviceable to the Diseased of his Country; and returning from his Travels, with a mind fully enriched, amongst other things, he brought from *Venice* this inestimable Jewel; whose Virtues and Uses are these;

For the pains of the Stomach. I. They exceedingly comfort and strengthen the Stomach; they restore the lost Appetite, they purge Choller and Melancholy, but chiefly Phlegm and waterrish Matter: They cleanse the same of all putrid, gross and thick Humors; they comfort the Intrals, open Obstructions, and disperse all the pain of these places.

For Diseases of the Head. II. They strengthen the Head and all the Senses, but chiefly that of Hearing and Sight, whose weakness and pain they remove; they help the Gidiness threrof, and the Megrim: And as they comfort and purge the Stomach, so they do the like both to Head and Heart; and have this excellent faculty, that being mixed with other Physick, they correct its malignity, and make it unhurtfull to the Stomach, and are therefore to be preferred to all other gentle and easie Medicines.

For the Diseases of the Belly. III. they are wonderfully helpful to all Diseases of the Womb, and all other maladies belonging to Women, that proceed from coldness by chance or constitution: For they safely and easily putge and empty the Belly, without pain or gripings, and carry out by their proper passages, all those vicious humours and other dregs that are stopped on a Woman after her delivery: And they much help Barrenness that proceedeth from uncleanness of the Womb, and cleanse Women from their White-flux, and so fitteth and enableth them for Conception. Also they may be taken by Women with Child, for yielding them ease in their Bellies gently, without any hazard of miscarrying at all, one every Night before Supper.

Against Worms. IV. They kill and choak all Worms that are bred in the Wombs of Children, Big-belly'd-Women that are bound in the Belly, and of Men: Yea, not any body, that frequently useth these Pills, can breed Worms at all.

For the bound Body of Women with Child. V. And if in Women with Child, the Belly be bound, which often happeneth, you must have a special care, that in the time of her Birth, the great Guts, being extended with Excrements, doth not augment her pains in Travel: To avoid which, it is my counsel, that in such cases, you have alway ready in your Cabinet some of these Pills, especially seeing neither Clister nor Suppositers are so convenient, because they trouble and irritate these lower places about the Womb, which may cause Abortion: Then these Pills, yea, even in the time of Delivery, (as has been observed by many) being taken in a new laid soft roasted Egg, have afforded great help, without any danger.

For the pain of the Head by vapours from the Stomach For the Bleard-Eyes, Dryness, and Paleness. VI. They do not indeed purge the whole Body, but they gently purge and throw out in the siege, all Choller that is seated in the Stomach and Intrals: Therefore they are to be given to them who are tormented with a sore head, by reason of the noisom vapours that continually ascend thereto from the Stomach. And for the same reason they are to be given to them that are Blear-ey'd, and to them who by growth of Choller are continually thirsty, and have their Mouth and Tongue always dry, and find an heat and loathing, with an overturning in their Stomach. They are moreover to be given to those that are against nature over much pale: And who have need to be delivered of superfluous Humours of the Body.

Stone, Scurvy, Chollick, Dropsie. For the Greensickness and Palsie. Against Cathars and defluxions in the Joynts. VII. They hinder likewise the procreation of many Diseases, and the corruption of the Food: And wonderfully defend the Body against Surfeits in Eating or Drinking, which most frequently after sleep beget corrupt and crude humours, and so are a sovereign help for the Gravel, Scurvy, Chollick and Dropsie, and Green-sickness, and Palsie, one every Day.

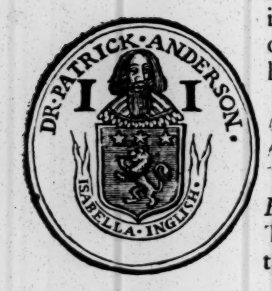
VIII. If the Head, subject to defluxions, keepeth intelligence with a moist and fuming Stomach, and threatneth the joynts with a Deluge, these *Angelick Grains* will so stop their Streams, that famous Physician hath promised they shall be free from the Gout, and all other Diseases of the joynts, who shall use these Pills frequently and familiarly: For by them the daily Crudities and superfluities of the Meat being taken away, and carried into the sink of the Belly, they cannot harm the joints at all, nor procure Diseases, which otherwise could not be avoided; whilst the more noble parts, being oppressed therewith, could not, but for their own Preservation, send them to be quartered in the baser parts of the Body.

Usefull at Sea. IX. They are also singularly usefull to all *Sea faring persons*, especially in *long Voyages*, where (by frequent experience) it hath appeared that such as have taken 1, 2 or 3 of these Pills at Night, have not only been kept from *Costiveness*, which is the *cause* of *most Sickness at Sea*, but likewise been preserv'd from *Scurvies*, *Pestilential Feavers* and several other *Malignant Distempers*, so frequent in Foreign Countreys, into which others at the same time, either for want, or neglecting the use of these Pills, have fallen.

The way of taking them. X. You may use them at your pleasure, whether late or early, or any hour of the Day, before Meat or after Meat, or in the time of Feeding; but being taken in time of Supper, they defend the Head (as we have said) from those vapours and fumes that ascend to it in the Night. They are familiarly taken in time of Meat, without trouble to the mind, or harm to the Body, and not any hindrance of your business. The Dose is from Three to Seven, Nine, or Eleven, and that three or four times a Month, as necessity or the temper of the Body shall require. They give not many Stools, neither do they work violently nor suddenly: They open the Belly twelve hours after they are taken: sometimes in shorter or longer time, and with some habits of Body, the first Dose operates not at all. Altho the Dose from three upwards, taken some Days together, operates with the greatest facility, those various Operations arising from the Disposition of the Stomach and Body; and they may be used without any special care of Rules in your Diet, whether in Summer or Winter, in Frost, or in Thaw Weather, without any inconveniency to ensue thereupon.

For Children and Old Men. XI. They are of so easy and innocent Operation, that they may be given to Children and decripit old Men, and that most securely; and to delicate Persons who are not much employed in labour, and others who cannot away with other Purgatives, may easily swallow down these. They are an Enemy to most Diseases, and have much friendship to the noblest Intrals of the Body, and is of so wholsom and general use, and so much both known and approved in these Nations, that none who have once tryed the same, and found the good effects thereof, will willingly want the same again, when they stand in need of Physick, which they may have ready for all sudden accidents, which through the neglect of these Grains, if they suffer them to take rooting, will not afterward be removed so easily. But he that desires to live a long Life and an Healthful, that every Day he use one of them at his Mid-day and Evening Refreshment, he will soon find the benefit of them. They are exceeding good for the Wind of the Stomach.

XII. We suppose there be few or none in these Kingdoms, but know the Use and Excellency of Doctor *Anderson's Angelical* Pills, who perhaps are ignorant of the dangerous Abuse and counterfeiting them by sundry unskilfull Persons, whose Pills differ so much from the *Upright ones*, that whoever made use formerly of the *True Pills*, does find such to be but base Counterfeits, whereby some of great worth have been put in hazard of their Lives, instead of being bettered: And because this is a business of high concernment to every Nation; for prevention of such inconveniencies to the People for the future, it is thought fit to signifie, That these *Upright Pills* are (ever since the Death of the said Doctor's own Daughter Mrs. *Katherine Anderson*) now only made by Mrs. *Isabella Inglish*, with the care and inspection of Mr. *Ja. Inglish* her Husband, living in *Long-Acre, London*, who alone, by ORDER OF AUTHORITY, do publish and vend the said Pills.



☞ I. *That some who have counterfeited those Pills, with my Sign, and Printed Directions here in* London, *have been proved Liars and Cheats before His Majesties Physicians. And that attempts have been made by some Counterfeits from* Scotland, *who having first fled for fear of Justice, caused their Malicious Lying Bills to be Published not only against me, but also in Contempt of Authority.*

☞ II. *Because several of the said Noxious and Covetous Impostors, have Counterfeited these my* Directions, *and the usual* Seal *upon the Boxes. It is now altered as was mentioned in the* Gazette, *No.* 2927. *Viz.* In a Field Azure: A Lion Rampant, and three Mollets Argent: The Crest, Dr. *Anderson's* Head, t'wixt I. I. with his Name round it: And *Isabella Inglish* underneath the Shield in a Scroll, According to the Impression in the Margin, with which the Boxes are Sealed on the top.

These Pills are to be sold by Mrs. *Inglish* at the *Hand and Pen* near the King's *Bagnio* in *Long-Acre, London.*

Printed in the Year 1694.

The CASE of Sir Robert Cleark,

In an Appeal againſt Henry Serle, Eſquire.

SIR *John Berkenhead* died ſeized in Fee of four ſix parts of Little *Lincolns-Inn-Fields*, and poſſeſſed of another ſixth part, for the remainder of *Ninety-nine* Years (The other ſixth part was bought of Sir *William Hooker*) and of a perſonal Eſtate in Books and other Goods. And by his Will in *December* 1679. gave all his Lands to *Rupert* and *Randolph Berkenhead*, to perform his Will; which if they did not in ſix Months, he then gave his Eſtate to his Executors, Sir *Richard Maſon* and Serjeant *Brampſton*, for the uſes aforeſaid.

Dr. *Birkhead*, a Creditor of Sir *John Berkenheads*, being acquainted with the Plaintiff, Sir *Robert Cleark*, told him, That he believed there might be a very advantageous bargain bought of the ſaid Fields; and Sir *Robert Cleark* being next Chamber-Fellow in *Lincolns-Inn* to Mr. *Serle*, and well acquainted, told him of the ſaid bargain; who earneſtly deſired, that he might be admitted a ſharer with them in the ſaid Purchaſe; to which Sir *Robert* (believing him to be an honeſt man) conſented, and ſo did the Doctor upon Sir *Robert's* Requeſt.

They proceeded in a joynt deſign of Purchaſing. And the *7th.* of *January* 1679. they made an Agreement in Writing with *Rupert* and *Randolph Berkenhead*, for Sir *John's* Real and Perſonal Eſtate, which was to this Effect: That they ſhould ſatisfie Sir *John's* Debts and Legacies, according to his Will, and to pay 642 *l.* to *Rupert*, and 600 *l.* to *Randolph Berkenhead.*

The *13th. January* 1679. *Rupert* and *Randolph*, in conſideration of 1200 *l.* Execute a Conveyance of the Fields to Mr. *Serle*, and his Heirs; for which, Sir *Robert Cleark* became joyntly bound with Mr. *Serle*, to pay each of them 600*l.* a piece at the end of three Months, with Intereſt; and of the remaining 42 *l.* to *Rupert*, Sir *Robert* paid down *Eighteen* Guinues, and Mr. *Serle* the reſt.

The *16th. January* 1679. Mr. *Serle* Executes a Conveyance under his Hand and Seal, to Sir *Robert Cleark*, reciting the Deed before made to him of the ſaid Fields; and declaring, That it was in Truſt for Sir *Robert Cleark* and his Heirs, as to one third part thereof, he paying a third part of the purchaſe Money; and of all the Debts, charges and incumbrances thereon. And at the ſame time, Executes the like Conveyance to Dr. *Birkhead*, for another third part; upon the Sealing of which, the Doctor gave up a Bond of 500 *l.* (being a Debt of Sir *John Berkenhead's*) to be Cancelled, and entred into another of 1000 *l.* to Mr. *Serle*, to pay the remainder of his third ſhare of the Purchaſe Money.

February, 21*th.* 1679. For a further Confirmation of the former Agreement made with *Rupert* and *Randolph Berkenhead*; The two Executors, Sir *Richard Maſon* and Serjeant *Brampſton*, make a Bill of Sale of all the perſonal Eſtate to Sir *Robert Cleark* and Mr. *Serle*; who thereupon became joyntly bound to Mr. *Baily*, for the payment of 200 *l.* and to Sir *Henry Bernard* for 250 *l.* to pay the Debts of the Will.

The *6th.* of *March*, 1679. Dr. *Birkhead* delivers up his Deed of Truſt for the Equall benefit of Sir *Robert* and Mr. *Serle*; and thereupon they became joyntly bound to pay him 500 *l.* with Intereſt (which Sir *Robert* has Since paid.)

The *13th.* of *March* 1679. for a further Coroboration of their Title to the Fields, The two Executors, and *Rupert* and *Randolph Berkenhead*, all joyn in a Conveyance of the Fields to Mr. *Serle* and his Heirs. (The Eſtate being Conveyed to him at firſt.) And at this time, Mr. *Serle* (it ſeems) deſigning ſome Advantage thereby, told Sir *Robert*, That he need not joyn in the Bonds to the *Berkenheads* as before; for that he was bound for Money enough already, till the Eſtate in Law was conveyed to him; and that he would perſwade the *Berkenheads* to take his ſingle Bond, which they did accordingly; and the former Bonds were delivered up.

Sir *Robert Cleark* about three Years after ſells his Moyety of the ſaid Fields to Dr. *Barbon* for 3000*ll.* of which 2000 *l.* was paid down, the other 1000 *ll.* was to be paid upon Sir *Roberts* Executing a legal Conveyance to the Doctor, his Heirs or Aſſignes.

Sir *Robert*, that he might perfect his Agreement with the Doctor, deſires Mr. *Serle* to Convey to him the Moyety of the Fields: Which he refuſing to do, he brought his Bill before the Right Honourable the *Lord Keeper*; who, upon hearing the Cauſe, thought fit to decree, That he ſhould have a Moyety of the Perſonal Eſtate; but did not decree him his Share of the Fields; for the reaſon (as he humbly conceives) that he believed, that Sir *Robert* waved his Intereſt, and promiſed to deliver up his Deed; and the chief proof of this Evidence, is from what *Samuel Ogle*, the Servant of Mr. *Serle*, and *Randolph Berkenhead* Swears; which are to this Effect:

Ogle Swears, *That the Declaration of Truſt, which he drew by the Order of his Maſter, Mr.* Serle, *was delivered upon this Condition; That Sir* Robert *ſhould pay all his Share of his Purchaſe-Money, when the Executors ſhould joyn in a Conveyance of the ſaid Fields: And if he did not, he was to deliver it up; and it was to be voyd.*

That he gave Sir Robert Cleark *Notice ſometime before the Executors ſeal'd the Conveyance; and that Sir* Robert Cleark *was preſent at the Executing of the Conveyances, and at that time he did not pay his Purchaſe-Money; but ſome time after waved his Intereſt in the Fields, and promiſed to deliver up the Deed of Truſt.*

All which Sir *Robert Cleark* hath, in Two Anſwers, upon his Oath, denyed; and how improbable it is to be true, which he ſwears, will appear by theſe Circumſtances:

I. There could be then no ſuch Condition as *Ogle* ſwears: That is, *That Sir* Robert *ſhould pay his Money when the Executors ſhould joyn:* For they had not then Agreed with the Executors; and therefore could not tell, whether they would joyn, or no. They were then no ways obliged to do it; and it was not neceſſary, the Title being Good without.

II. It is not probable, there was ſuch a Condition annexed; for *Ogle* ſwears it, that drew the Deed; and had it been true, might as well have put it into the Deed. And Mr. *Serle* is a Counſellor, that directed the Deed, and would not have ſuffered his Servant to omit ſuch a Condition, becauſe he knew it would not then be good in Law.

III. There was no Occaſion for ſuch a Condition; for Sir *Robert Cleark* had, Three Dayes before the Deed was Sealed, paid his Proportion in Money, and by being bound with Mr. *Serle* to the Two *Berkenheads*; which were not due in a Month after the Time the Conveyances were ſealed by the Executors;

Beſides, it is not probable to be true, what *Ogle* ſwears, *That Sir* Robert, *on the* 13*th. of* March, 1679. *did not pay his Purchaſe-Money; and therefore, afterwards, waved his Intereſt, and promiſed to deliver up his Deed of Truſt.*

Nor what *Randolph* Swears; *That, at the time of the Executors joyning in the Conveyances, he took Sir* Robert *aſide, and asked him, Why he was not Bound with Mr.* Serle? *And he told him, It was becauſe he was afraid he ſhould not be able to raiſe his ſhare of the Purchaſe-Money.*

I. For the Money was only then paid by Bond; and Sir *Robert* might have been better able to have paid his ſhare of the Bonds, when Due, as well as thoſe other, wherein he was before bound, by having a ſhare in the Field, which were of very great Value; then he could be to pay the other Bonds without a Share.

II. For on the Sixth of *March*, (being Seven Days before) he was bound to Dr. *Birkhead*, to pay Five hundred Pounds for his Third Share of the Lands; and in that ſhort time, there doth not appear any Change in the Value of the Eſtate; and therefore no reaſon (on a ſudden) to change his Mind; for it was before any Oppoſition to the Building from *Lincolns-Inn:* And about that time, they were offered, by Dr. *Barbon*, One thouſand Pound profit for that Third Share: And before that, they valued the Fields at Twenty thouſand Pounds, as appears by Proof.

III. There is not the leaſt Proof, That Mr. *Serle* did give, or offer'd him any Conſideration, for the waving his Intereſt, and promiſing to give up his Deed of Truſt.

IV. Nor any Proof, That he was to be ſaved harmleſs, and Indemnified from thoſe Bonds he had entred into, to Dr. *Birkhead*, Mr. *Baily*, and Sir *Henry Bernard.*

V. There is Proof, That after the Thirteenth of *March*, and Time of the pretended Waver, Sir *Robert* concern'd himſelf in getting a Patent from the King, to build the Fields; and his Name is in the Petition and Bill for the Patent.

VI. There is Proof, That Sir *Robert* Agreed after the Thirteenth of *March*, 1679. to buy an Houſe in *Chancery-Lane*, to make a better Way into the ſaid Fields; and concerned himſelf in the Modal for Building, and ſtaking out the Fields.

VII. Beſides, after the Thirteenth of *March*, Sir *Robert*, in an Anſwer to Mr. *Cary's* Bill, Exhibited for his Right of ſome Privileges in the Fields, ſwears, He had an Intereſt with Mr. *Serle* in the ſaid Fields: Mr. *Serle*, in his Anſwer to the ſaid Bill, does not deny it; and they joyntly maintain'd the Suit: Whereas, had Sir *Robert* then waved his Intereſt, he might and would certainly, in his Anſwer, have diſclaimed *All Intereſt in the Fields*, and ſaved himſelf the Charge and Trouble of the Suit.

All which makes it probable, that what *Ogle*, and *Rupert Berkenhead* have ſworn, is not true, but on the contrary: The Reaſon why Sir *Robert* did not joyn in the Bonds, was, by the Artifice of Mr. *Serle*, telling him, there was was no occaſion; For that *Berkenhead* were content to take his ſingle Bond.

But if it had been true, it is but a Diſcourſe, and ought not to ſet aſide a Deed under Hand and Seal, ſince the Act made againſt Frauds and Perjuries; which has provided, That no Deed nor Declaration of Truſt, ſhall be Aſſigned, made Void, or Altered, but by Writing.

I. For this Decree makes a Breach upon an Act of Parliament, and will leave a Gap open hereafter for crafty and deſigning Men, who know it is eaſier to get Words and Diſcourſe ſworn, than to Alter what is written; and therefore, the Law was made to defend Men's Eſtates againſt ſuch intreagues; and how dangerous may the Conſequence be, is obvious; ſince it is a time, when Perjuries, to the Amazement of Man-kind, have been practiced.

II. If this Decree ſhould not be repealed, it will be the occaſion of perpetual Suits in *Chancery:* For *Cleark's* Caſe will be cited for a Precedent, by all thoſe, whoſe Intereſt it is to make uſe of a Diſcourſe, to avoid a Deed: And if it ſhould be Confirmed by a Decree of the *Houſe of Lords*, it will have the greater Authority: Now there will be an *Act of Parliament* againſt Frauds and Perjuries, for thoſe that are on the contrary ſide; ſo that it will remain ſolely in the Breaſt of the *Court of Equity*, which ſide to take, which cannot be known, but by a chargable Suit.

III. If there ſhould be ſuch a Power left in a Court of Equity, to allow a Diſcourſe, to alter or make void a Deed, then no Man can purchaſe with any Safety: And that Act which was made for the Benefit and Security of the Purchaſer, will become his greateſt prejudice; for before this Law, the Purchaſer had a Remedy upon his Covenant againſt Incumbrances, if by any Diſcourſe or Evidence of that ſort, his Title was prejudiced. But now, (by this Law) Diſcourſe is no Incumbrance; ſo that, the Purchaſer may loſe his Eſtate, (as will be the Caſe of Dr. *Barbon*, if he be not relieved) and he has no Remedy againſt the Perſon that Sells.